

TOWN OF MILLIS
Monday February 5th 2024 6:00 PM
Remote -Hybrid
<https://us02web.zoom.us/j/84073381589>

- 6:00 p.m. Open BOH Meeting.
- 6:10 p.m. Nurse Report
- 6:15 p.m. EHIR Well #3 DPW Kleinfelder
- 6:30 p.m. 370 Orchard Street Septic LUA Eljen
- 6:45 p.m. 121 Norfolk Cell Tower Letter
- 7:00 p.m. Approval of Meeting Minutes
- 7:15 p.m. Discussion

Director's report
Nurse's report
Payables Sign-off

- Approval of minutes (January 9th & 16th 2024)
- Food Recalls (website)
- Review of Monthly Activity
- Correspondence

Tentative Date of Next Meeting:
March 11th 2024

TOWN OF MILLIS Notice of Meeting
<u>The BOARD OF HEALTH</u>
Will Remote -Hybrid Meet at 6:00 P.M.
On Monday February 5th 2024
Zoom Online meeting.
<hr/> Assistant Town Clerk
Posted _____, 2024

John McVeigh is inviting you to a scheduled Zoom meeting.

Topic: Board of Health Meeting Remote Hybrid

Time: Feb 5, 2024 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84073381589>

Meeting ID: 840 7338 1589

January 3, 2023

Mr. John McVeigh
Health Director
Board of Health
Town of Millis
900 Main Street
Millis, MA 02054

RE: Peer Review – EHIR Well #3 Treatment Plant PFAS Upgrades

Dear Mr. McVeigh:

As requested, GCG has reviewed the EHIR submittal for improvements proposed at the Town of Millis Well #3 adjacent to Birch Street for compliance with Millis Board of Health Public and Environmental Health Review Regulations and Standards. The submittal prepared by Kleinfelder dated October 30, 2023 included the following component which were reviewed under the EHIR.

- Notice of Intent (reviewed with respect to EHIR only)
- Project Plans, Town of Millis, Massachusetts, Well 3 Water Treatment Facility dated October 2023.
- Stormwater Report, dated October 2023

The project involves the construction of a new building to accommodate the proposed PFAS treatment system which includes four 10,000-pound GAC filters for the well. Site improvements for the new building include paving, regrading, demolition of existing building, stormwater improvements, sewage tite tank and water treatment improvements.

Based upon our review of the above information, we offer the following comments with respect to compliance with Millis Board of Health Public and Environmental Health Review Regulations and Standards. The numerical section of the regulations is referenced at the beginning of each comment as it relates to the regulations.

SECTION VII – WATER SUPPLY

The proposed improvements to the existing Millis water supply are required based upon meeting current PFAS standards. The system appears to be designed to follow current standards and regulations with respect to water treatment of PFAS. The Town has hired Kleinfelder as their consultant to design this system. GCG did not review the actual design for compliance.

SECTION VIII – SEWAGE DISPOSAL

The project is in a Zone 1 for the existing water supply and disposal of wastewater is not permitted in a Zone 1. The applicant proposes a 2000-gallon tank with no discharge of sewage. The plan set references sewer plans which were not found in the application. Sewage flows and design should be provided for review.

SECTION XII. - DRAINAGE

The stormwater drainage systems is designed for storm events up to a 100 year storm event. In general, the design meets the goals of the drainage regulations with the following exceptions.

1. The cover over the 8" drain is less than one foot in the paved area of the stormwater forebay in front of the building.
2. The drain from the forebay to forebay should be extended so that it is at the bottom of the infiltration basin.
3. The rip rap area at the end of the pipe connecting the forebays should be shown at the toe of the slope. It is not necessary to place rip rap on the slope.
4. MassDEP Stormwater Handbook recommends a 10-foot area around the basin to allow access. The current basin has a three-foot strip for the top of the berm.
5. The stormwater report shows that the rate of flow does not increase. A table should be provided to show the volume does not increase as required under the regulations.
6. Calculations should be provided showing the drain time of the infiltration basin. Seventy-two hours are recommended in the Stormwater Handbook.
7. The regulations require 4 to 1 slope for basins. The design has 3 to 1 slope.
8. A test hole should be performed in the basin to confirm the 2-foot groundwater separation is met or provide other documentation. The adjacent wetlands are at elevation 121 which may be indicative of the water table elevation. The bottom of the basin is at elevation 122.
9. The basin should have one foot of freeboard during a 100-year event.

SECITON XIII – EARTH REMOVAL STANDARDS

The volume of material removed was not provided to allow for a determination if review under this regulation is required. In general, the design appears to comply with the intent of the standard under this section.

If you have any questions regarding these matters, please contact our office.

Respectfully Submitted,
GCG Associates

Michael J. Carter

Michael J. Carter, P.E.
Project Manager



MEMORANDUM

TO: Town of Millis, Board of Health
FROM: Gregory Avenia, P.E., Kleinfelder
DATE : 1/3/24
SUBJECT: Millis Well 3 Treatment Facility Tight Tank Design
CC: Tyler Bernier, Project Manager, Kleinfelder
Jim McKay, DPW Director, Town of Millis

In support of a new water treatment facility, Kleinfelder is proposing to install a tight tank to manage the facility's wastewater needs. The proposed facility is directly associated with the public water supply. This memorandum is meant to communicate the conditions that necessitate the installation of a tight tank over more preferred options and the basis of design for the proposed system.

- The project is within 200 feet of a drinking water well. Due to the proximity to Well 3 and its associated protective area, a traditional septic system is not permissible per public drinking water protections. Installing a septic system would require additional tree clearing approximately 200 feet away from the site and may still have negative impacts on future drinking water quality.
- The project is approximately 2,000 feet from (horizontally) and 30 feet below (vertically) the nearest sewer connection in Village Street. Access to the site is provided by a small gravel access drive 1,500 feet in length. Connection to Millis' existing sewer infrastructure would require approximately 3,500 linear feet of new sewer force main and a lift station. This solution was deemed to be cost prohibitive during the preliminary design phase of the project.
- The facility is a public water supply facility with minimal wastewater demand. The installation of more robust sewer management system would be unnecessary and excessively expensive.

The proposed tight tank is located as far as reasonably possible from the well under the proposed design. The Town of Millis is committed to engaging with a licensed septage transporter to manage the pump-out and disposal of waste on an as-needed basis dictated by the alarm system.



1 BASIS OF DESIGN

The proposed system consists of a 2,500-gallon tight tank connected to the treatment facility with approximately 89 feet of Blue Brute DR25 PVC. The tight tank will be equipped with a high-water level alarm system set to the elevation at which the tank will contain 2,000 gallons of wastewater. The system has been designed in compliance with 310 CMR 15.000 or "Title 5" and will be installed as shown on the plans accompanying this memo.

The following is a non-exclusive list of site conditions justifying the design and installation of the tight tank system.

- Millis Well 3 is within 200 feet of the tight tank. The entire project is within the 400-foot radius of the MassDEP Zone I protective area surrounding the well.
- There are no wetlands within 100 of the tight tank.
- As outlined above, the proposed tight tank will serve a public water supply facility where it is not feasible to connect to a public sewer.

The sizing of the tank was determined in accordance with Title 5. The associated calculations are below:

Daily Sewage Flow

Use: Factory, Industrial Plant, No Cafeteria
Daily Design Flow = 15 GPD per employee
Daily Flow (Required) 15 GPD x 2 Employees
Total Daily Flow Well 3 Treatment Facility = 30 GPD

Tight Tank

2,500 Gallon Tank

Must contain 500% of septic requirements per 310 CMR 15.203
48-hour storage capacity in compartment 30 GPD x 2 Days = 60 gallons storage required
500% of 60 gallons = 300 gallons
2000-gallon minimum tank size per 310 CMR 15.260
Total Storage: 2,500 gallons > 2,000 gallons



The required buoyancy calculations in accordance with Title 5 are below:

Assumptions/Initial Information:

Groundwater at elevation 118 per boring logs
Earth cover depth = 36 inches
Weight of earth = 110 pcf
Weight of water = 62.4 pcf
Outer tank dimensions (L x W x H) = (15' x 7' x 6.25')
Inner tank dimensions (L x W x H) = (14' x 6' x 5.25')
Weight of tank (2,500-gallon tank empty per manufacturer) = 31,800 lbs

Buoyancy Calculation

Using outer tank dimensions

$$\begin{aligned}\text{Weight of earth on tank} &= (L \times W \times \text{Earth Cover}) * (\text{Weight of earth}) \\ &= (15' \times 7' \times 3') * (110 \text{ pcf}) \\ &= 34,560 \text{ lbs}\end{aligned}$$

Weight of tank + Weight of earth on tank = 66,450 lbs.

$$\begin{aligned}\text{Hydrostatic pressure} &= (L \times W \times \text{SHGW height}) * (\text{Weight of water}) \\ &= (15' \times 7' \times 1.8') * (62.4 \text{ pcf}) \\ &= 11,794 \text{ lbs}\end{aligned}$$

Hydrostatic pressure = 11,794 lbs < 66,450 lbs = Weight of tank + Weight of earth on tank (OK)

The alarm height was set at the volume at which the tank will contain 2,000 gallons of wastewater as calculated below:

Alarm Height

Using inner tank dimensions

$$\begin{aligned}\text{Volume below alarm} &= 2,000 \text{ gallons or } 267.361 \text{ cf} = (L \times W \times \text{Alarm height}) \\ \text{Alarm height} &= 267.361 \text{ cf} / (L \times W) \\ &= 267.361 \text{ cf} / (14' \times 6')\end{aligned}$$

Alarm height = 3.18 feet

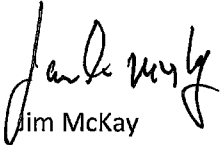
Town of Millis Board of Health
900 Main Street
Millis, MA 02057

SUBJECT: Well 3 Treatment Facility Tight Tank Design

Dear Members of the Board of Health:

A tight tank is proposed to support the operations of the new water treatment facility at Well 3 on Village Street in Millis. A plan for the transport and disposal of the contents of the tight tank is required. Prior to the operation of the proposed tight tank system, the Town of Millis Public Works/Highway Department is committed to engaging with a licensed septage transporter to manage the pump-out and disposal of waste on an as-needed basis dictated by the alarm system.

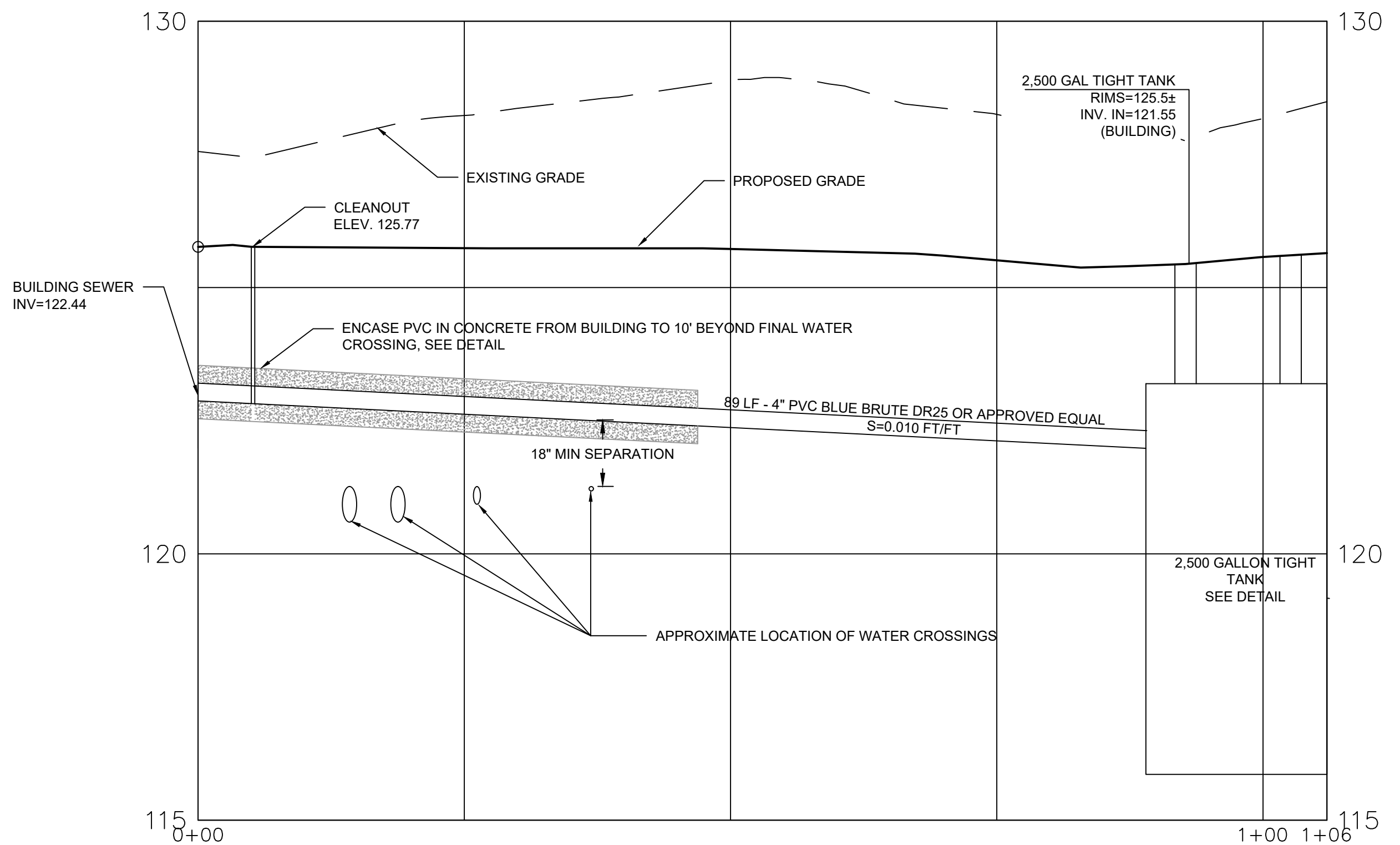
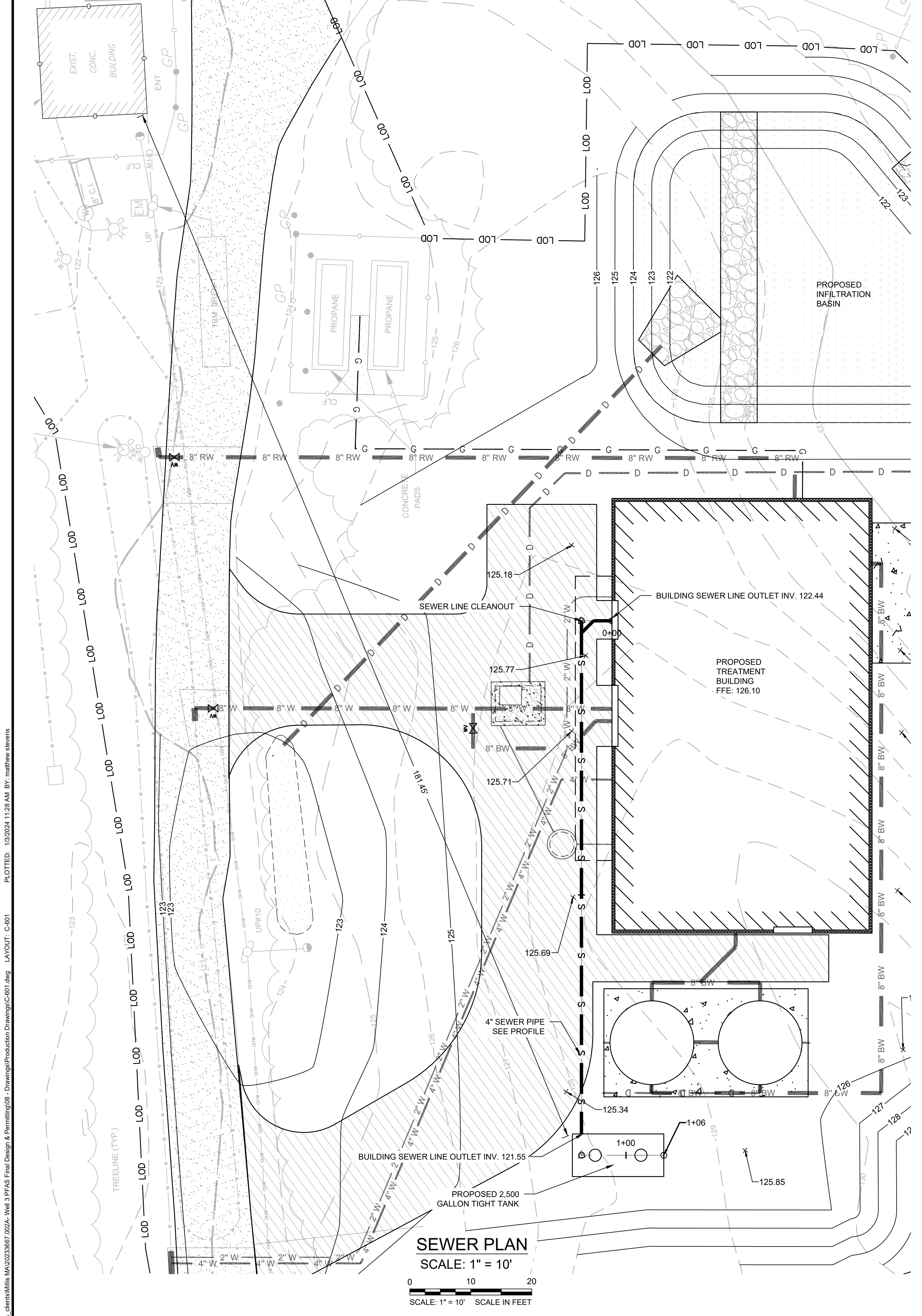
Sincerely,

A handwritten signature in black ink, appearing to read "Jim McKay". The signature is written in a cursive style with a large initial "J".

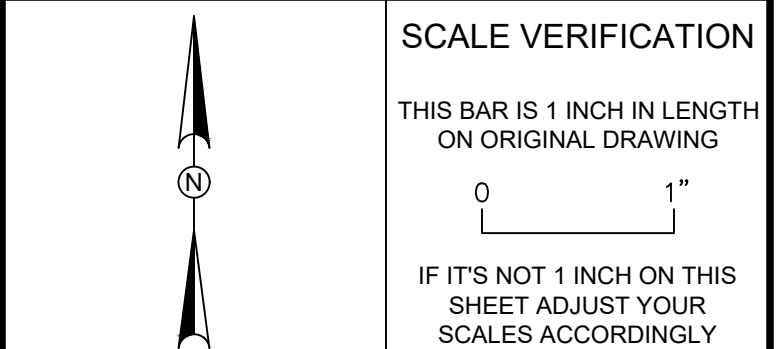
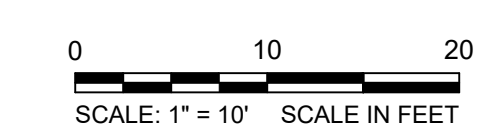
Jim McKay
DPW Director, Town of Millis

REVISIONS

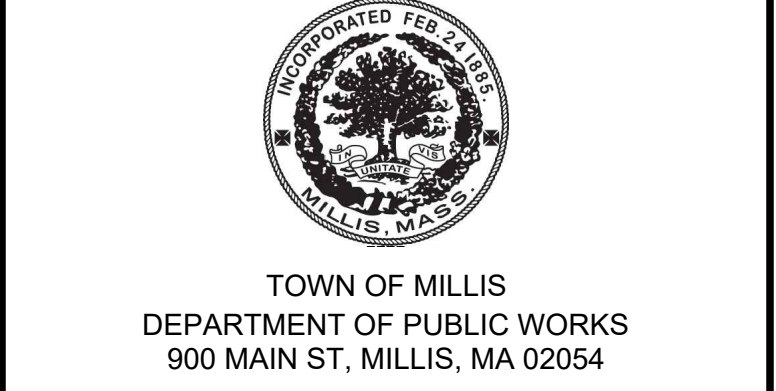
REV	DESCRIPTION	DSN DWN	CHK APP	DATE



- NOTES:**
1. THE PROPOSED DESIGN COMPLIES WITH TITLE 5 REQUIREMENTS AND SHALL BE INSTALLED AS SHOWN.
 2. THE MILLIS ELECTRICAL INSPECTOR SHALL BE NOTIFIED AT LEAST 36 HOURS PRIOR TO INSTALLATION OF THE ALARM SYSTEM AND ASSOCIATED ELECTRICAL COMPONENTS.



SEWER PLAN
TOWN OF MILLIS, MASSACHUSETTS
WELL 3 WATER TREATMENT FACILITY



PERMIT REVIEW SET

PROJECT NO.	20233667.002A
ISSUE DATE	JAN. 2024
CURRENT REVISION	-
DESIGNED BY	MPS
DRAWN BY	MPS
CHECKED BY	GAA
APPROVED BY	GAA

C-601

SHEET 11 of 62

CAD FILE: G:\Users\millis\MA\2023\3667_002A_Well 3 PPS Final Design & Permitting\08 - Drawings\Production\Drawings\C601.dwg LAYOUT: C-601 PLOTTED: 1/26/24 11:28:44 BY: mathew.sabers

TIGHT TANK SPECIFICATIONS

- TIGHT TANKS SHALL BE CONSTRUCTED OF SOUND AND DURABLE WATERTIGHT MATERIALS NOT SUBJECT TO EXCESSIVE CORROSION, DECAY, OR FROST DAMAGE, OR CRACKING OR BUCKLING DUE TO SETTLEMENT OR BACKFILLING. TIGHT TANKS MAY BE CONSTRUCTED OF PRECAST REINFORCED CONCRETE (OTHER MATERIALS AS APPROVED IN WRITING BY THE DEPARTMENT, METAL TIGHT TANKS ARE PROHIBITED.)
- TANK CONSTRUCTION MATERIALS SHALL MEET THE FOLLOWING MINIMUM SPECIFICATIONS OR AN ASTM EQUIVALENT STANDARD:
 - CONCRETE
 - CONCRETE STRENGTH F_c 4,000 PSI @ 28 DAYS. DENSITY 140 PCF
 - CEMENT, PORTLAND TYPE I OR III PER ASTM C150-96
 - ADMIXTURES PER ASTM C233-95
 - REINFORCING PER ASTM A615 FOR WIRE FABRIC. GRADE 40/60 RD OR EQUIVALENT.
 - DESIGN LOADING HS-20
 - MINIMUM WALL THICKNESS: FOUR INCHES
 - THE TANK SHALL BE WATERTIGHT
- TANK, COVERS, CONNECTIONS AND PIPING SHALL BE DESIGNED AND CONSTRUCTED SO AS TO WITHSTAND AN ANTICIPATED MINIMUM HS-20 LOADING.
- TIGHT TANK SHALL BE MANUFACTURED IN ACCORDANCE WITH A QUALITY CONTROL/QUALITY ASSURANCE PROGRAM. THE PROGRAM FOR CONCRETE TANKS SHALL BE IN CONFORMITY WITH ASTM STANDARD C 1227-96 OR AN ASTM EQUIVALENT STANDARD. CONCRETE TANKS SHALL BE EMBOSSED WITH A SEAL STATING THAT THIS ASTM STANDARD HAS BEEN MET.

BUILDING SEWERS SPECIFICATIONS

- THE BUILDING SEWER SHALL BE SUFFICIENT TO SERVE THE CONNECTED FIXTURES. IN NO CASE SHALL THE BUILDING SEWER BE LESS THAN FOUR INCHES IN DIAMETER.
- THE BUILDING SEWER SHALL BE CONSTRUCTED OF CORROSION RESISTANT MATERIAL AND EQUIPPED WITH WATER TIGHT JOINTS, BLUE BRUTE PVC PIPE OR THE EQUIVALENT.
- ALL PIPE JOINTS OF THE BUILDING SEWER SHALL BE MADE WATER-TIGHT AND PROTECTED AGAINST DAMAGE BY ROOTS. POURED-TYPE JOINTS SHALL BE PROPERLY WIPED ON THE INSIDE TO ELIMINATE OBSTRUCTION OF FLOW.
- THE BUILDING SEWER SHALL BE LAID ON A COMPACTED FIRM BASE.
- THE BUILDING SEWER SHALL BE VENTED THROUGH THE VENT STACK OR MAIN VENT OF THE BUILDING SERVED BY IT. NO TRAP SHALL BE INSTALLED IN THE BUILDING SEWER OR BUILDING DRAIN.
- ALL BUILDING SEWERS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STATE PLUMBING CODE, 248 CMR2.00

GENERAL CONSTRUCTION REQUIREMENTS FOR ALL SYSTEM COMPONENTS

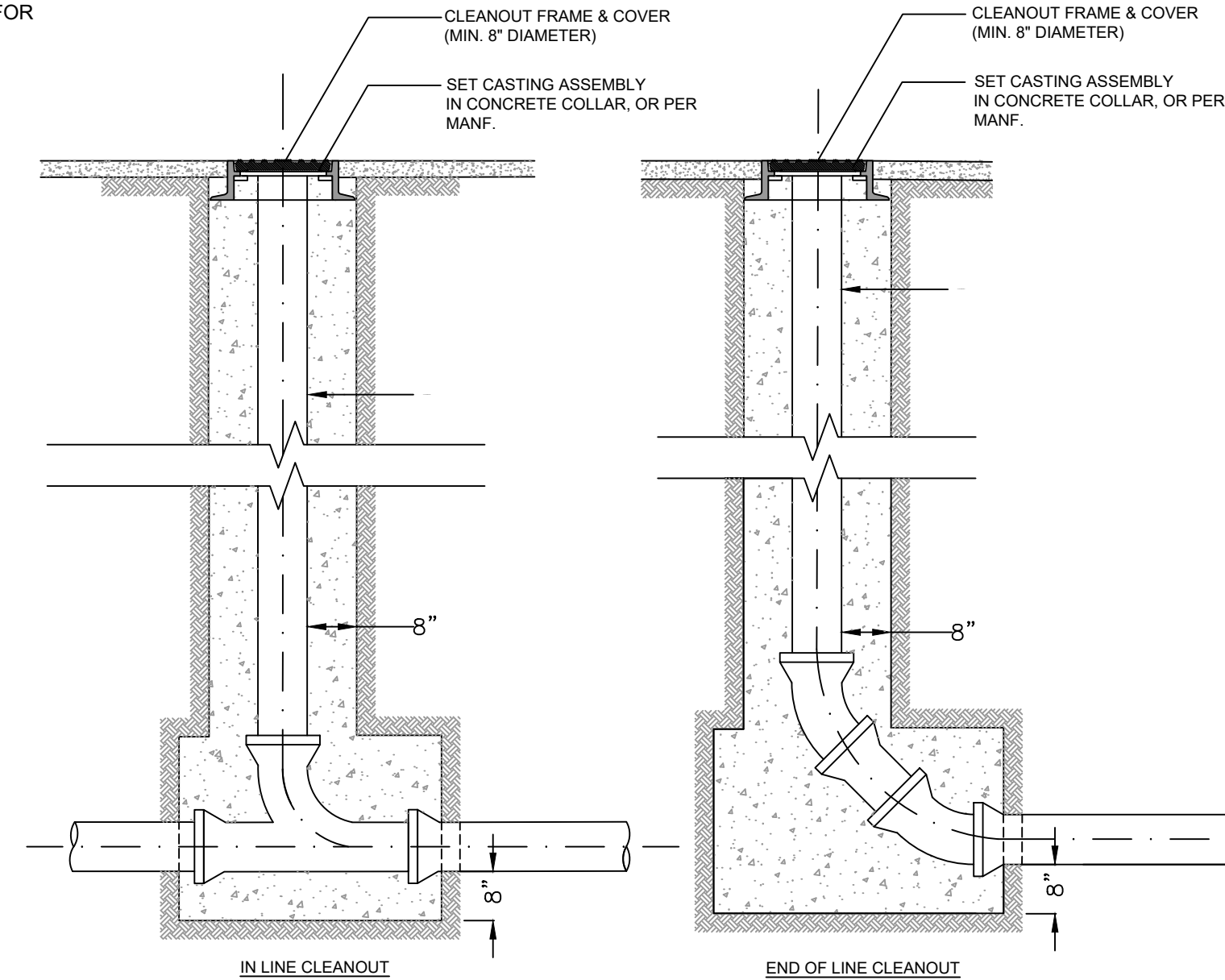
- TIGHT TANK:
 - WATERTIGHT THROUGH MANUFACTURER'S SPECIFICATION AND WARRANTY; OR
 - MADE WATERTIGHT BY THE MANUFACTURER, EQUIPMENT SUPPLIER OR INSTALLER USING ASPHALT OR SYNTHETIC POLYMER SEALER SPECIFIED BY THE CONCRETE OR SYNTHETIC MATERIAL MANUFACTURER.
- TIGHT TANK SHALL BE CONSTRUCTED OR SET LEVEL AND TRUE TO GRADE ON A LEVEL STABLE BASE WHICH HAS BEEN MECHANICALLY COMPACTED. IF THE COMPONENT IS PLACED IN FILL, PROPER COMPACTION IS REQUIRED TO ENSURE STABILITY AND TO PREVENT SETTLING; NATIVE GROUND WITH A SIX INCH AGGREGATE BASE IS OTHERWISE ADEQUATE.
- TIGHT TANK SHALL BE EQUIPPED WITH A WATERTIGHT ACCESS MANHOLE(S) WITH A MINIMUM DIAMETER OF 20 INCHES AND CONSTRUCTED OF DURABLE MATERIAL.
- ALL SYSTEM COMPONENTS SHALL BE CONSTRUCTED OF CORROSION RESISTANT MATERIALS.
- ALL PRESSURIZED PIPES SHALL BE DESIGNED AND INSTALLED TO MEET THE FOLLOWING REQUIREMENTS:
 - TO PREVENT FREEZING BY BEING INSTALLED BELOW THE FROST LINE, BY BEING ADEQUATELY INSULATED IF INSTALLED ABOVE THE FROST LINE, OR BE SELF-DRAINING;
 - TO SPECIFY THE APPROPRIATE CLASS OR SCHEDULE OF PIPE TO WITHSTAND MAXIMUM PRESSURE AND/OR ANTICIPATED VEHICULAR LOADS; AND
 - TO SPECIFY APPROPRIATE THRUST BLOCKING AT ALL ANGLES, BENDS, BRANCHES, PLUGS AND WHEREVER ELSE NECESSARY TO PREVENT DISRUPTION OF PROPER FUNCTIONING OF THE LINE.
- THE TOP OF ALL SYSTEM COMPONENTS, INCLUDING THE TIGHT TANK SHALL BE INSTALLED NO MORE THAN 36" BELOW FINISH GRADE.
- WHERE ANY PORTION OF ANY COMPONENT IS TO BE PLACED AT OR BELOW THE GROUND-WATER TABLE, ALL SYSTEM TANKAGE, INCLUDING THE TIGHT TANK, SHALL BE DESIGNED WITH COUNTER WEIGHTS, ANCHORS OR BALLAST AND A BUOYANCY CALCULATION FOR THE ENTIRE VOLUME OF EACH COMPONENT, WHEN EMPTY, SHALL BE PERFORMED AND SUBMITTED WITH THE SYSTEM PLANS AND SPECIFICATIONS.
- ALL SYSTEM COMPONENTS SHALL BE MARKED WITH MAGNETIC MARKING TAPE OR A COMPARABLE MEANS IN ORDER TO LOCATE THEM ONCE BURIED.

SEPTIC SYSTEM GENERAL NOTES

- THE SANITARY SEWAGE SYSTEM SHOWN SHALL BE INSTALLED IN ACCORDANCE WITH THE COMMONWEALTH OF MASSACHUSETTS STATE ENVIRONMENTAL CODE 310 CMR 15.00 (TITLE V) AND ANY LOCAL BOARD OF HEALTH REGULATIONS.
- ANY MODIFICATION TO THE WORK SHALL BE APPROVED IN WRITING BY THE ENGINEER AND THE LOCAL BOARD OF HEALTH PRIOR TO PERFORMANCE.
- THE TIGHT TANK SHALL BE H-20 DESIGN REINFORCED CONCRETE PRECAST MANUFACTURED BY OLDCASTLE PRECAST OR APPROVED EQUAL.
- WHEREVER SEWER LINES CROSS WATER SUPPLY LINES, BOTH PIPES SHALL BE CONSTRUCTED OF CLASS 150 (MIN.) PRESSURE PIPE TO 10' ON EITHER SIDE OF CROSSING. PIPES SHALL ALSO BE PRESSURE TESTED TO ASSURE WATER TIGHTNESS.
- NOTIFY THE LOCAL BOARD OF HEALTH AGENT AND ENGINEER AT THE TIME OF EXCAVATION, PRIOR TO INSTALLATION.
- NOTIFY LOCAL BOARD OF HEALTH AGENT AND ENGINEER WHEN SYSTEM IS COMPLETED AND READY FOR INSPECTION.
- SHOP DRAWINGS FOR THE FOLLOWING ITEMS SHALL BE PROVIDED TO THE ENGINEER FOR REVIEW AND APPROVAL PRIOR TO THE START OF INSTALLATION:
 - ALL UNDERGROUND STRUCTURES (TANKS, STEPS)
 - FRAMES AND COVERS
 - PIPES, FITTINGS
 - WATERPROOFING & PIPE GASKETS

STRUCTURE TESTING NOTES:

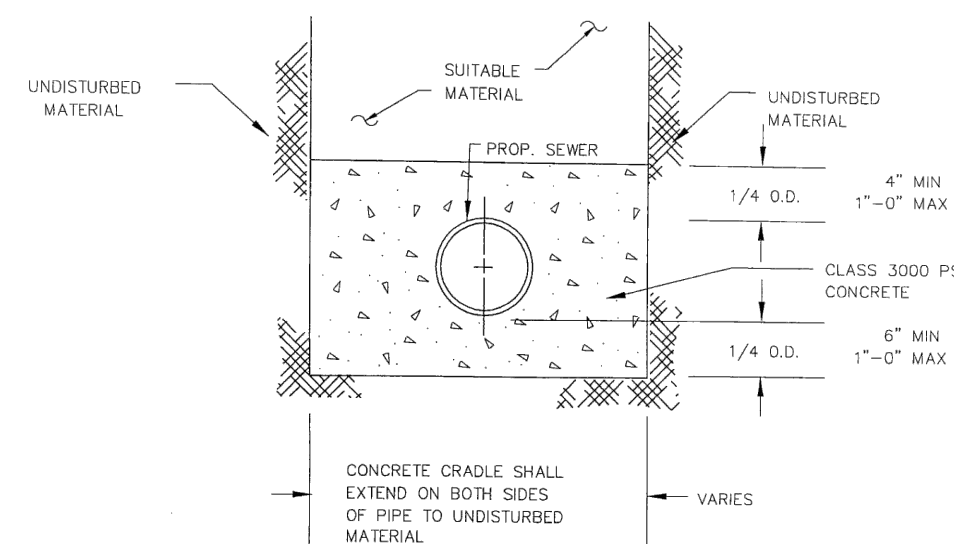
TIGHT TANK SHALL BE VACUUM TESTED FOR WATER TIGHTNESS AFTER INSTALLATION IN ACCORDANCE WITH ASTM C 1227. ALL TANKS MUST PASS TESTING PRIOR TO USE.



- NOTES:
- CLEANOUT FRAME AND COVER SHALL BE ONE OF THE FOLLOWING:
 - PRODUCT NUMBER 00157324201 AS MANUFACTURED BY EAST JORDAN IRON WORKS, FABRICATED FROM GRAY IRON AND CONFORMING TO ASTM A48 CLASS 35B.
 - 8-INCH NYLOPLAST INLINE DRAIN WITH SOLID COVER (PRODUCT NUMBERS 2708AG AND 0899CGC, AS MANUFACTURED BY ADVANCED DRAINAGE SYSTEMS, INC.;
 - OR APPROVED EQUAL.

SEWER CLEANOUT TYPICAL DETAIL

N.T.S.



CONCRETE DAMS AND CONCRETE ENCASEMENT

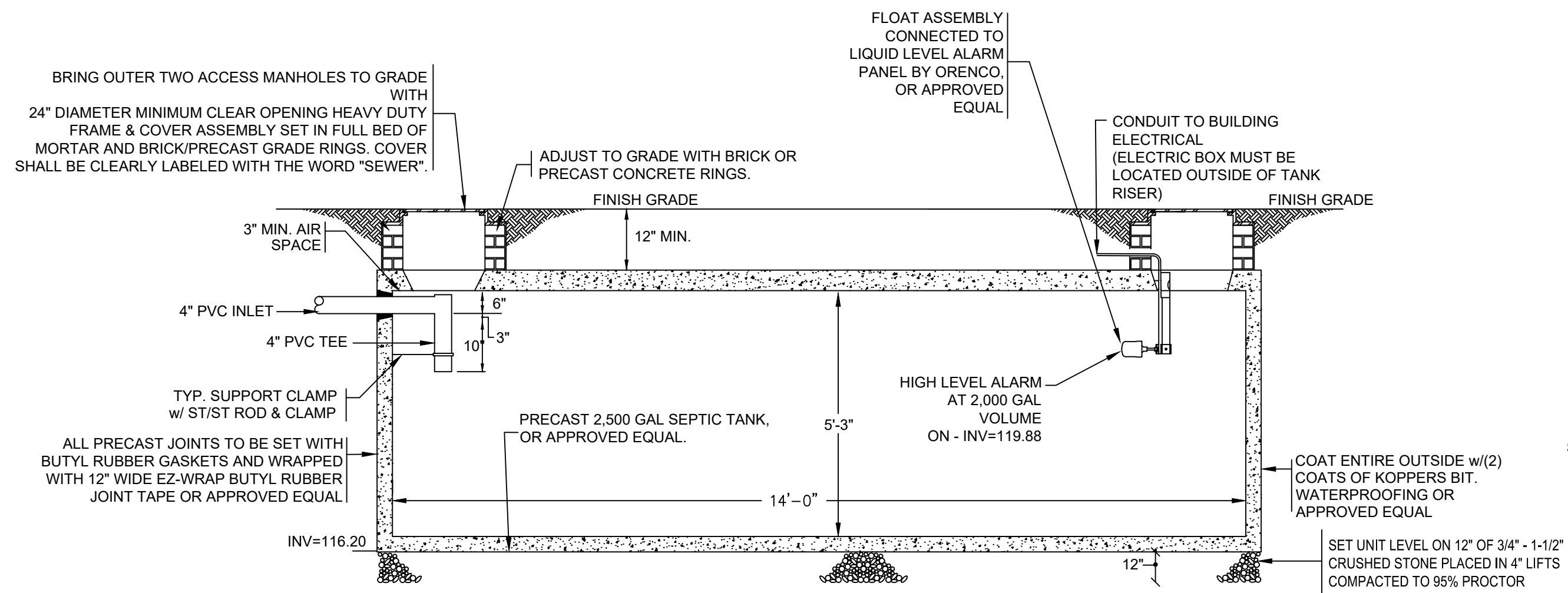
NOT TO SCALE

- NOTES:
- CONCRETE GRADE OR ENCASEMENT SHALL TERMINATE AT PIPE JOINTS.
 - PIPE SHALL BE BRACED TO PREVENT MOVEMENT WHILE CONCRETE IS POURED.

DETAIL PROVIDED FROM THE MILLIS MA SEWER CONSTRUCTION GUIDELINES

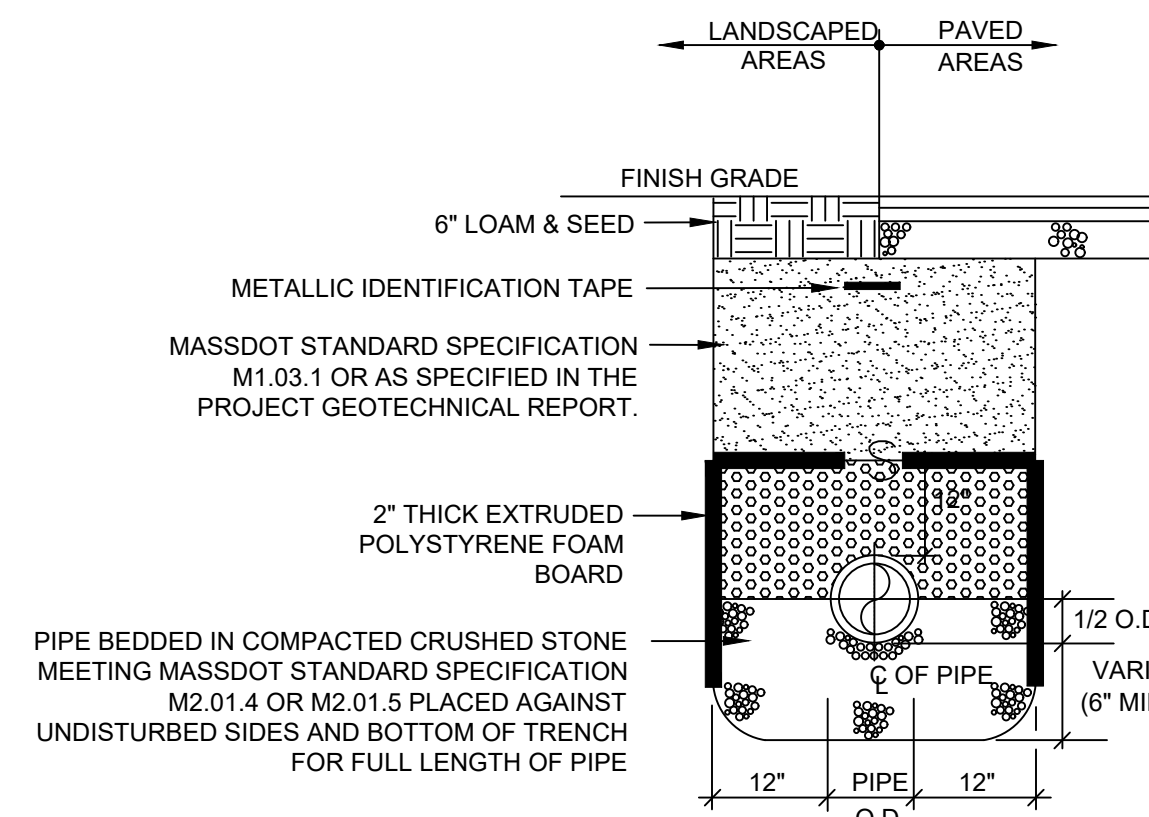
CONCRETE ENCASEMENT

N.T.S.



TIGHT TANK TYPICAL DETAIL

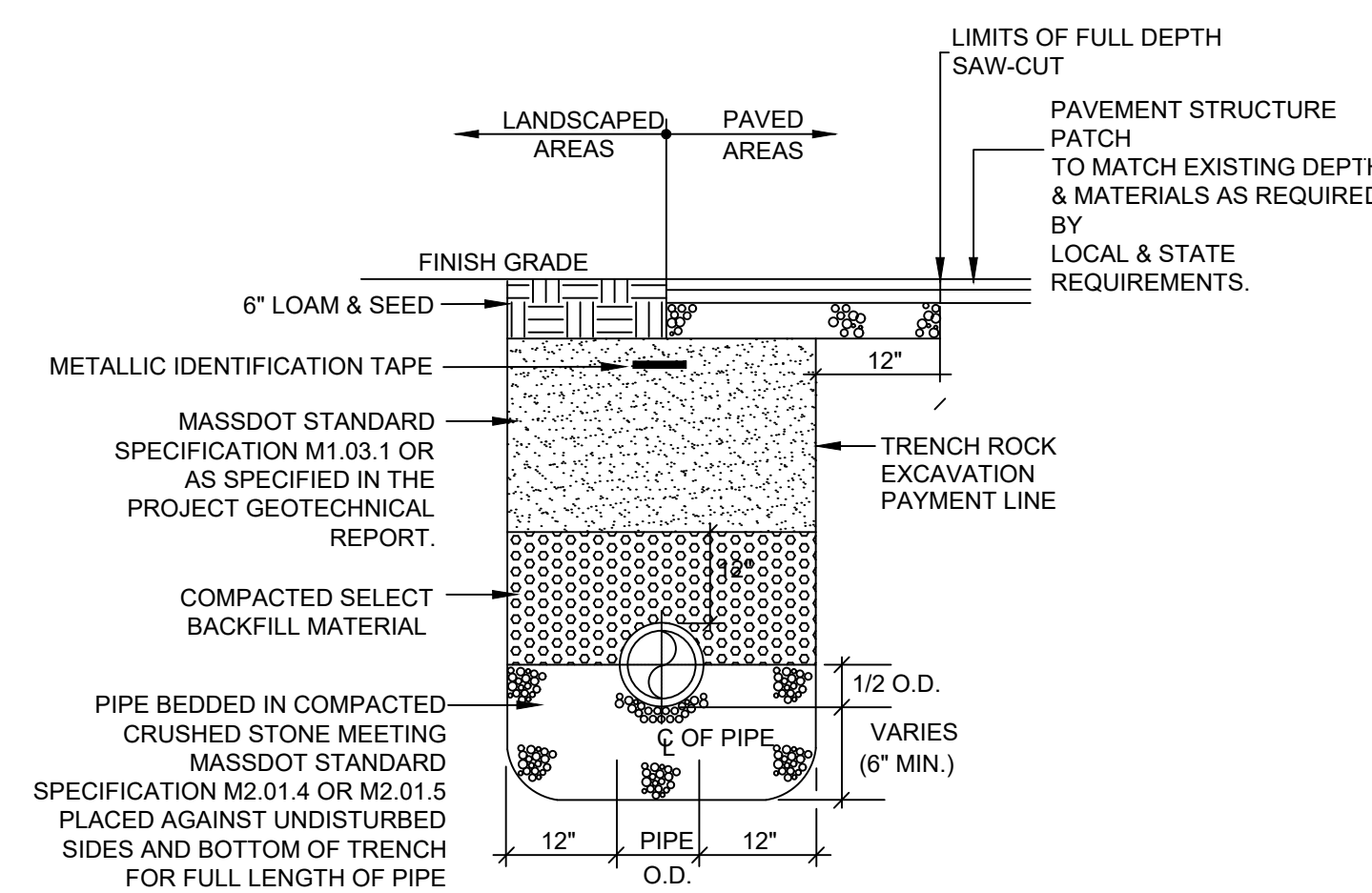
N.T.S.



- NOTES:
- METALIZED 2" WIDE DETECTABLE IDENTIFICATION TAPE SHALL BE INSTALLED OVER SEWER LINES 12" BELOW FINISH GRADE.
 - SEWER SHALL BE INSULATED IN ALL LOCATIONS WHERE FINAL COVER IS 36" OR LESS.

SEWER INSULATION DETAIL

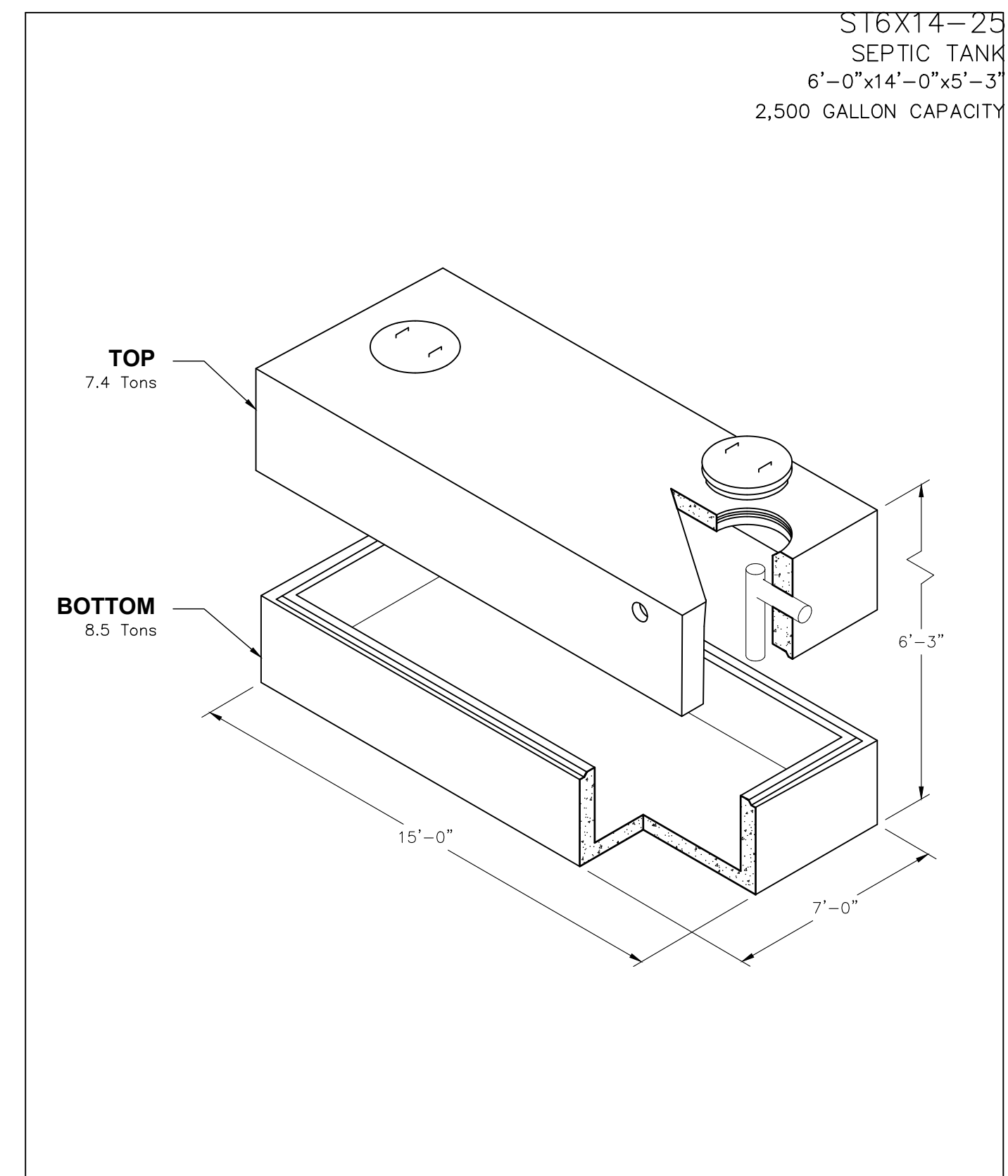
N.T.S.



- NOTES:
- METALIZED 2" WIDE DETECTABLE IDENTIFICATION TAPE SHALL BE INSTALLED OVER SEWER LINES 12" BELOW FINISH GRADE.

PVC SEWER PIPE TRENCH SECTION

N.T.S.



Oldcastle Precast	CST-2500-2	6'-0" x 14'-0" x 5'-3" I.D. Septic Tank 2,500 Gallon Capacity
	FILE NAME: 324ESCCST25002_ISO.DWG	Copyright © 2008
	ISSUE DATE: January, 2008	
	www.oldcastleprecast.com	

SHOWN FOR REFERENCE ONLY, APPROVED EQUAL ACCEPTABLE

REVISIONS

REV	DESCRIPTION	DSN	CHK	DATE

SCALE VERIFICATION

THIS BAR IS 1 INCH IN LENGTH ON ORIGINAL DRAWING

IF IT'S NOT 1 INCH ON THIS SHEET ADJUST YOUR SCALES ACCORDINGLY

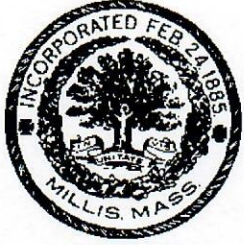
ORIGINAL DRAWING SIZE IS 24 x 36
SEWER DETAILS

TOWN OF MILLIS, MASSACHUSETTS
WELL 3 WATER TREATMENT FACILITY

TOWN OF MILLIS
DEPARTMENT OF PUBLIC WORKS
900 MAIN ST, MILLIS, MA 02054

PERMIT REVIEW SET

PROJECT NO. 20233667.002A	ISSUE DATE JAN. 2024	C-602
CURRENT REVISION -		
DESIGNED BY MPS		
DRAWN BY MPS		
CHECKED BY GAA		
APPROVED BY GAA		



TOWN OF MILLIS

Dr. James A. Lederer, *Chair*
Carol Hayes, *Vice Chair*
Edward Chisholm
Christine Gavin
John Steadman
Scott McPhee
David Larsen

OFFICE OF THE CONSERVATION COMMISSION

900 Main Street • Millis, MA 02054
Phone: 508-376-7045
Fax: 508-376-7053

<https://www.millisma.gov/conservation-commission>

Camille Standley
Administrative Assistant
cstandley@millisma.gov

November 20, 2023

Mr. James McKay
Dept. of Public Works
900 Main Street
Millis, MA 02054

RE: DEP File No.: #CE 225-0442 Well #3 PFAS Water Treatment Plant, Millis, MA

APPLICANT: James McKay, Millis DPW

PROJECT: Demolition of existing water infrastructure & construction of new treatment/PFAS plant (Village/Birch St.)

Dear Mr. McKay:

Enclosed please find an original and one copy of the Order of Conditions for the subject property. Please note you are **required** to file the original of this document at the Norfolk County Registry of Deeds in Dedham, Massachusetts, and provide proof of recording to the Commission **prior to starting construction/work**. Please do not hesitate to contact us should you have any questions.

Sincerely,

Camille Standley
Administrative Assistant

Encs.

cc: Tyler Bernier Kleinfelder (via email)
Building Dept., BOH (via email)
DEP CERO (via email)
File



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 CE225-0442
 MassDEP File #
 eDEP Transaction #
 Millis
 City/Town

A. General Information

Please note:
 this form has been modified with added space to accommodate the Registry of Deeds Requirements

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. From: MILLIS
 Conservation Commission

2. This issuance is for (check one):
 a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

James F. McKay
 a. First Name b. Last Name

Town of Millis DPW
 c. Organization

900 Main Street
 d. Mailing Address

Millis MA 02054
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

5. Project Location:

Village Street/Birch Street Millis
 a. Street Address b. City/Town

28 41
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 42.1690d m s -71.3400d m s
 d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 CE225-0442
 MassDEP File #

eDEP Transaction #
 Millis
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Norfolk
 a. County
 b. Certificate Number (if registered land)
 Deed not found, plan 377 of 1973
 c. Book
 d. Page
7. Dates: October 31, 2023 November 13, 2023 November 20, 2023
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 Town of Millis, MA, Well 3 Water Treatment Facility, Permit Review Set October 2023
 a. Plan Title
 Kleinfelder
 b. Prepared By
 Gregory Avenia, P.E.
 c. Signed and Stamped by
 1" = 20'
 d. Final Revision Date e. Scale
 WPA Form 3 & Attachments
 f. Additional Plan or Document Title
 October 30, 2023
 g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
 Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
 d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
 g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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 City/Town

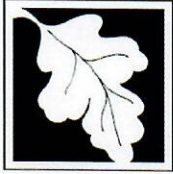
B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	1661	1661	N/A	
Cubic Feet Flood Storage	0			
	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____	_____		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	_____	_____	_____	_____
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	_____	_____	_____	_____
	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

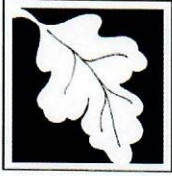
a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
 "File Number CE225-0442 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
- ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
- iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

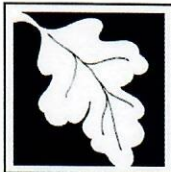
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

-
20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The MILLIS Conservation Commission hereby finds (check one that applies):
 - a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.
 - b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Wetlands Protection Bylaw	Article XIX
1. Municipal Ordinance or Bylaw	2. Citation
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
 The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Special Conditions Attached

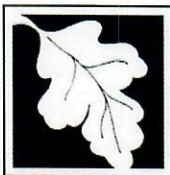
TREATMENT PLANT

SPECIAL CONDITIONS

21. Attention is called to General Condition #9 which requires the filing of this Order of Conditions at the Registry of Deeds. The applicant **must submit proof of recording prior to commencing any work**. At the time of each sale, the Millis Conservation Commission shall be notified as to the name and address of the owner so that the Conservation Commission can provide guidance for the maintenance of wetlands.
22. Erosion control barrier; erosion control fencing/bio-fence (silt fence buried twelve inches below surface grade; staked), sedimentation barriers, etc., shall be placed as shown and noted on the approved plan. **Once all erosion controls are in place, contact the Commission for inspection prior to start of construction**. Per General Condition #18, erosion controls must be inspected and maintained until a Certificate of Compliance is issued. **After** issuance of a Certificate of Compliance, all erosion controls **must be removed by applicant**.
23. Wetland flagging shall be maintained until a Certificate of Compliance is issued.
24. All work to be performed under this Order of Conditions shall conform to the Massachusetts Department of Transportation – Highway Division “Standard Specifications for Highways and Bridges” dated 2022, including supplemental specifications, and the approved Construction Standards of the Massachusetts DOT - Highway Division, including amendments, supplementary specifications and revisions or the specification Section 01568 for this project. Use whichever is more protective for the wetlands.
25. All cleared and grubbed material, except that used to replicate wetlands, shall be removed from the buffer zone and only clean, coarse gravel shall be used as fill. Construction debris shall not be buried on site. All existing debris shall be removed from the site and disposed of in accordance with applicable State and local regulations.
26. If applicable, in order to maintain as near as possible the natural environment and to minimize erosion, no excess vegetation or trees shall be cleared beyond the area required for grading.
27. Care shall be taken during construction and in all placing of fill material to keep materials from being carried to the wetlands. General guidance is provided in Massachusetts Department of Environmental Protection document entitled “Massachusetts Erosion and Sediment Control for Urban and Suburban Areas.”
28. The developer or contractor responsible for the project’s completion shall be notified of and understand the requirements of this Order. A copy of the Order shall be on-site while activities regulated by the Order are being performed.

VILLAGE/BIRCH ST. WELL #3
TREATMENT PLANT
SPECIAL CONDITIONS

29. This Order shall apply to any successor in control or successor in interest of the property described in the Notice of Intent and accompanying plans.
30. Upon completion of the project, the Applicant shall submit with his/her request for a Certificate of Compliance (WPA Form 8A) a filing fee and an As-Built Plan prepared and stamped by a Professional Engineer or Land Surveyor, registered in the Commonwealth of Massachusetts. Said plan shall note any deviations from the plan referenced on Pg. 2, #8. In addition, a stamped 8 ½ x 11 inch Exhibit As-built Plan must be submitted.
31. Owner gives permission for the Conservation Commission or their representative to enter property for purposes of inspecting work progress, and to periodically inspect the drainage systems, stormwater controls, and wetland resource areas.
32. If the minimum distance between the resource area and the closest point of the structure(s) decreases, or if the minimum distance between the resource area and the area of disturbance decreases by ten (10%) percent or more, the applicant must come before the Commission to request a modification/amendment to this Order of Conditions. Failure to do so may result in complications for issuance of the Certificate of Compliance.
33. If the area of impervious surface or the area of disturbance (grading) within the buffer zone increases by more than ten (10%) percent from the approved proposed plan(s), the Applicant must come before the Commission to request a modification/amendment to this Order of Conditions. Failure to do so may result in complications for issuance of the Certificate of Compliance.
34. Sediment shall be removed before it reaches ½ the height of the filter sock.



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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

11/20/2023
 1. Date of Issuance

Please indicate the number of members who will sign this form.

5
 2. Number of Signers

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

<p>Signature <u><i>James A. Lederer</i></u></p> <p>Signature <u><i>Edward W. Chisholm</i></u></p> <p>Signature <u><i>Carol Hayes</i></u></p> <p>Signature <u><i>Christine Gavin</i></u></p> <p>Signature <u><i>John Steadman</i></u></p> <p>Signature <u><i>Scott McPhee</i></u></p> <p>Signature <u><i>David Larsen</i></u></p> <p>Signature _____</p>	<p>James A. Lederer Printed Name</p> <p>Edward Chisholm Printed Name</p> <p>Carol Hayes Printed Name</p> <p>Christine Gavin Printed Name</p> <p>John Steadman Printed Name</p> <p>Scott McPhee Printed Name</p> <p>David Larsen Printed Name</p> <p>_____ Printed Name</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

by hand delivery on

by certified mail, return receipt requested, on

Date 11/20/2023

Date _____



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F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

MILLIS
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

MILLIS
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Village Street/Birch Street CE225-0442
 Project Location MassDEP File Number

Has been recorded at the Registry of Deeds of:

Norfolk _____
 County Book Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

_____ _____
 Book Page

In accordance with the Order of Conditions issued on:

If recorded land, the instrument number identifying this transaction is:

If registered land, the document number identifying this transaction is:

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

a. Street Address	b. City/Town, Zip
c. Check number	d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town State Zip Code

Phone Number Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town State Zip Code

Phone Number Fax Number (if applicable)

4. DEP File Number:

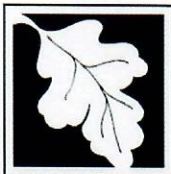
Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.



MILLIS

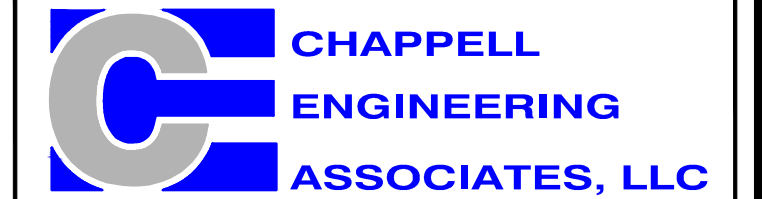
SITE ID: WEC-MA-07

121 NORFOLK ROAD
MILLIS, MA 02054

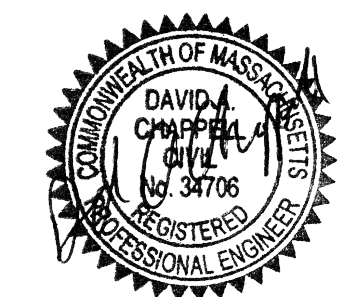
SITE TYPE: 150' MONOPOLE



38 W. MARKET STREET
RHINEBECK, NY 12572
OFFICE: (914) 712-0000
www.wirelessedge.org



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ENGINEER/LAND SURVEYOR DATE

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REVISIONS

REV. #	DATE	DESCRIPTION
0	12/15/23	ISSUED FOR ZONING REVIEW

PROJECT NO. 1610.008	DESIGNED BY: JMT DRAWN BY: CMC CHECK'D BY: JMT	SCALE: AS SHOWN
-------------------------	------------------------------------------------------	--------------------

SITE NAME:
**MILLIS
WEC-MA-07**

SITE ADDRESS:
121 NORFOLK ROAD
MILLIS, MA 02054

DRAWING TITLE:
TITLE SHEET

DRAWING NO:
T-1

GENERAL NOTES

- THE CONTRACTOR SHALL GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY, MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS, AND LOCAL AND STATE JURISDICTIONAL CODES BEARING ON THE PERFORMANCE OF THE WORK. THE WORK PERFORMED ON THE PROJECT AND THE MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES.
- THE ARCHITECT/ENGINEER HAVE MADE EVERY EFFORT TO SET FORTH IN THE CONSTRUCTION AND CONTRACT DOCUMENTS THE COMPLETE SCOPE OF WORK. THE CONTRACTOR BIDDING THE JOB IS NEVERTHELESS CAUTIONED THAT MINOR OMISSIONS OR ERRORS IN THE DRAWINGS AND OR SPECIFICATIONS SHALL NOT EXCUSE SAID CONTRACTOR FROM COMPLETING THE PROJECT AND IMPROVEMENTS IN ACCORDANCE WITH THE INTENT OF THESE DOCUMENTS.
- THE CONTRACTOR OR BIDDER SHALL BEAR THE RESPONSIBILITY OF NOTIFYING (IN WRITING) THE PROJECT OWNER'S REPRESENTATIVE OF ANY CONFLICTS, ERRORS, OR OMISSIONS PRIOR TO THE SUBMISSION OF CONTRACTOR'S PROPOSAL OR PERFORMANCE OF WORK. IN THE EVENT OF DISCREPANCIES THE CONTRACTOR SHALL PRICE THE MORE COSTLY OR EXTENSIVE WORK, UNLESS DIRECTED IN WRITING OTHERWISE.
- THE SCOPE OF WORK SHALL INCLUDE FURNISHING ALL MATERIALS, EQUIPMENT, LABOR AND ALL OTHER MATERIALS AND LABOR DEEMED NECESSARY TO COMPLETE THE WORK/PROJECT AS DESCRIBED HEREIN.
- THE CONTRACTOR SHALL VISIT THE JOB SITE PRIOR TO THE SUBMISSION OF BIDS OR PERFORMING WORK TO FAMILIARIZE HIMSELF WITH THE FIELD CONDITIONS AND TO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- THE CONTRACTOR SHALL OBTAIN AUTHORIZATION TO PROCEED WITH CONSTRUCTION PRIOR TO STARTING WORK ON ANY ITEM NOT CLEARLY DEFINED BY THE CONSTRUCTION DRAWINGS/CONTRACT DOCUMENTS.
- THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS ACCORDING TO THE MANUFACTURER'S/VENDOR'S SPECIFICATIONS UNLESS NOTED OTHERWISE OR WHERE LOCAL CODES OR ORDINANCES TAKE PRECEDENCE.
- THE CONTRACTOR SHALL PROVIDE A FULL SET OF CONSTRUCTION DOCUMENTS AT THE SITE UPDATED WITH THE LATEST REVISIONS AND ADDENDUMS OR CLARIFICATIONS AVAILABLE FOR THE USE BY ALL PERSONNEL INVOLVED WITH THE PROJECT.
- THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE PROJECT DESCRIBED HEREIN. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES AND FOR COORDINATING ALL PORTIONS OF THE WORK UNDER THE CONTRACT.
- THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ALL NECESSARY CONSTRUCTION CONTROL SURVEYS, ESTABLISHING AND MAINTAINING ALL LINES AND GRADES REQUIRED TO CONSTRUCT ALL IMPROVEMENTS AS SHOWN HEREIN.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS WHICH MAY BE REQUIRED FOR THE WORK BY THE ARCHITECT/ENGINEER, THE STATE, COUNTY OR LOCAL GOVERNMENT AUTHORITY.
- THE CONTRACTOR SHALL MAKE NECESSARY PROVISIONS TO PROTECT EXISTING IMPROVEMENTS, EASEMENTS, PAVING, CURBING, ETC. DURING CONSTRUCTION. UPON COMPLETION OF WORK, THE CONTRACTOR SHALL REPAIR ANY DAMAGE THAT MAY HAVE OCCURRED DUE TO CONSTRUCTION ON OR ABOUT THE PROPERTY.
- THE CONTRACTOR SHALL KEEP THE GENERAL WORK AREA CLEAN AND HAZARD FREE DURING CONSTRUCTION AND DISPOSE OF ALL DIRT, DEBRIS, RUBBISH AND REMOVE EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY. PREMISES SHALL BE LEFT IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST, OR SMUDGES OF ANY NATURE.
- THE CONTRACTOR SHALL COMPLY WITH ALL OSHA REQUIREMENTS AS THEY APPLY TO THIS PROJECT.
- THE CONTRACTOR SHALL NOTIFY THE PROJECT OWNER'S REPRESENTATIVE WHERE A CONFLICT OCCURS ON ANY OF THE CONTRACT DOCUMENTS. THE CONTRACTOR IS NOT TO ORDER MATERIAL OR CONSTRUCT ANY PORTION OF THE WORK THAT IS IN CONFLICT UNTIL CONFLICT IS RESOLVED BY THE PROJECT OWNER'S REPRESENTATIVE.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, ELEVATIONS, PROPERTY LINES, ETC. ON THE JOB.
- ALL UNDERGROUND UTILITY INFORMATION WAS DETERMINED FROM SURFACE INVESTIGATIONS AND EXISTING PLANS OF RECORD. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND UTILITIES IN THE FIELD PRIOR TO ANY SITE WORK. CALL THE FOLLOWING FOR ALL PRE-CONSTRUCTION NOTIFICATION 72-HOURS PRIOR TO ANY EXCAVATION ACTIVITY: DIG SAFE SYSTEM (MA, ME, NH, RI, VT): 1-888-344-7233 CALL BEFORE YOU DIG (CT): 1-800-922-4455

VICINITY MAP: 1"=1000'



DO NOT SCALE DRAWINGS

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE PROJECT OWNER'S REPRESENTATIVE IN WRITING OF DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME.

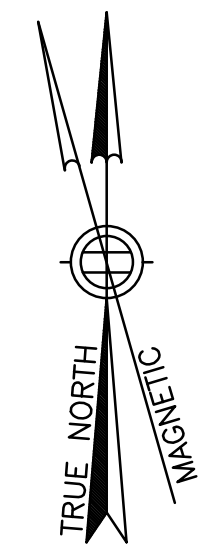
SHEET INDEX

SHT. NO.	DESCRIPTION	REV.
T-1	TITLE SHEET	0
C-1	PROPERTY PLAN	0
C-2	SITE PLAN	0
Z-1	COMPOUND PLAN & ELEVATION	0
Z-2	SITE DETAILS	0

PROJECT SUMMARY

SITE NUMBER: NWEC-MA-07
 SITE NAME: MILLIS
 SITE ADDRESS: 121 NORFOLK ROAD
 MILLIS, MA 02054
 LATITUDE: N 42°-09'-04.07"
 LONGITUDE: W 71°-21'-08.09"
 ASSESSOR'S PARCEL NO.: MAP 39 LOT 043
 ZONING DISTRICT: R-S (RESIDENTIAL SUBURBAN)
 TOWER TYPE: 150' MONOPOLE
 LAND OWNER: TOWN OF MILLIS
 900 MAIN STREET
 MILLIS, MA 02054
 APPLICANT: WIRELESS EDGE TOWERS II, LLC
 38 W. MARKET STREET
 RHINEBECK, NY 12572
 CO-APPLICANT: CELLCO PARTNERSHIP
 (dba VERIZON WIRELESS)
 118 FLANDERS ROAD
 WESTBOROUGH, MA 01581
 ARCHITECT: CHAPPELL ENGINEERING ASSOCIATES, LLC
 201 BOSTON POST ROAD WEST, SUITE 101
 MARLBOROUGH, MA 01752
 STRUCTURAL ENGINEER: CHAPPELL ENGINEERING ASSOCIATES, LLC
 201 BOSTON POST ROAD WEST, SUITE 101
 MARLBOROUGH, MA 01752

ZONING DRAWINGS
(NOT FOR CONSTRUCTION)



R-S

R-T

MAP 39 BLOCK 039
n/f
ELIZABETH M. HOIME MURPHY
234 VILLAGE STREET
MILLIS, MA 02054
BK. 40447 PG. 506

PROP. 60'x70' (4,200 S.F.) WIRELESS
TELECOMMUNICATIONS EQUIPMENT
COMPOUND

MAP 39 BLOCK 017F
n/f
DOROTHY M. IORIO
36 FOREST LANE
MILLIS, MA 02054
BK. 10432 PG. 448

PROP. 150' MONOPOLE

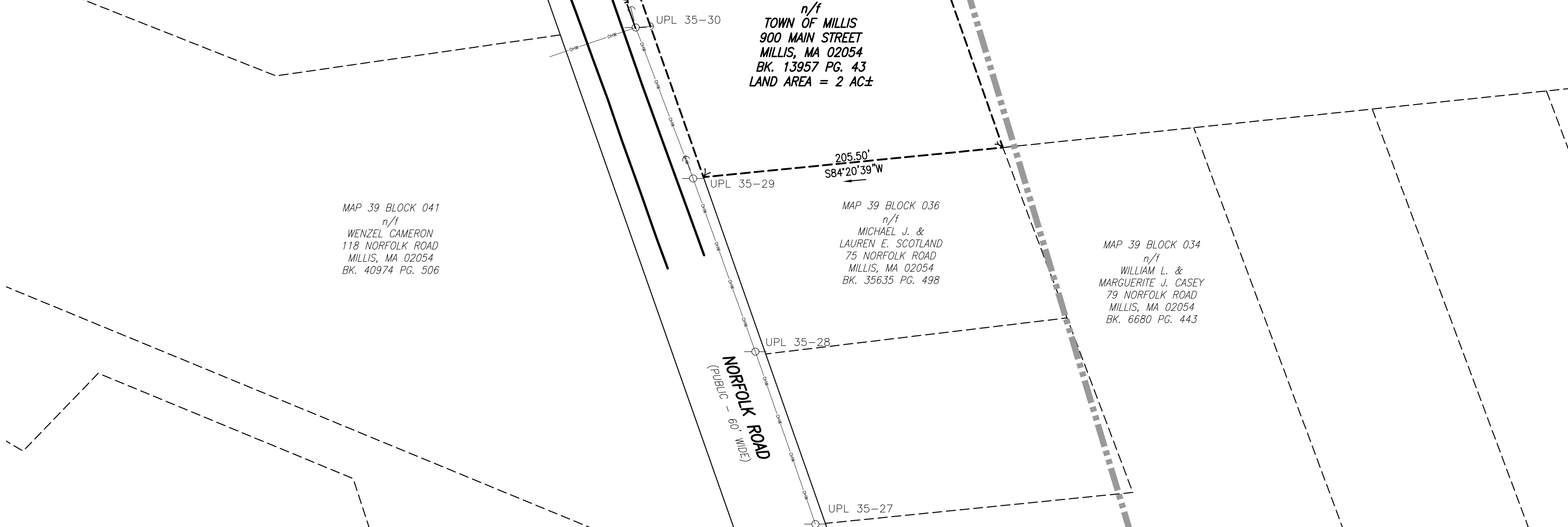
MAP 39 BLOCK 040
n/f
GEORGE M. DEALY 2022 REVOCABLE TRUST
GEORGE M. & MARY F. DEALY TRUSTEES
120 NORFOLK ROAD
MILLIS, MA 02054
BK. 40892 PG. 287

MAP 39 LOT 043
n/f
TOWN OF MILLIS
900 MAIN STREET
MILLIS, MA 02054
BK. 13957 PG. 43
LAND AREA = 2 AC±

MAP 39 BLOCK 041
n/f
WENZEL CAMERON
118 NORFOLK ROAD
MILLIS, MA 02054
BK. 40974 PG. 506

MAP 39 BLOCK 036
n/f
MICHAEL J. &
LAUREN E. SCOTLAND
75 NORFOLK ROAD
MILLIS, MA 02054
BK. 35635 PG. 498

MAP 39 BLOCK 034
n/f
WILLIAM L. &
MARGUERITE J. CASEY
79 NORFOLK ROAD
MILLIS, MA 02054
BK. 6680 PG. 443



ZONING DISTRICT LEGEND	
R-S	RESIDENTIAL SUBURBAN
R-T	RESIDENTIAL TOWN

ZONING INFORMATION			
ZONING DISTRICT:	R-S (RESIDENTIAL SUBURBAN)		
DESCRIPTION	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA:	25,000 S.F.	2 AC±	N/A
MIN. LOT FRONTAGE:	125'	434.5'±	N/A
PROPERTY SETBACKS			
FRONT	40'	51.3'±	128.9'±
SIDE	20'	26.2'±	85.0'±
REAR	40'	98.5'±	12.9'±
MAX. HEIGHT	150'	N/A	150'

- NOTES:
- PLOT PLAN BASE ON TOWN OF MILLIS ASSESSORS MAPS AND FIELD VISIT BY CHAPPELL ENGINEERING ASSOCIATES, LLC. ON 12/08/23.
 - SETBACKS ARE TAKEN FROM THE CLOSEST POINT OF COMPOUND/TOWER TO PROPERTY LINES.

GENERAL NOTES

- FIELD SURVEY DATE: 12/05/23
- VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
- HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983 (NAD83)
- SITE CONTROL POINT: CENTER OF PROPOSED TOWER
LATITUDE: N42°-09'-04.07"
LONGITUDE: W71°-21'-08.09"
- PROPERTY OWNER: TOWN OF MILLIS
900 MAIN STREET
MILLIS, MA 02054
- SITE NAME: MILLIS (WEC-MA-07)
- SITE ADDRESS: 121 NORFOLK ROAD
MILLIS, MA 02054
- APPLICANT: WIRELESS EDGE TOWERS II, LLC
38 W. MARKET STREET
RHINEBECK, NY 12572
- ZONING JURISDICTION: TOWN OF MILLIS
- ZONING DISTRICT: R-S (RESIDENTIAL SUBURBAN)
- TAX ID: MAP 39 LOT 043
- DEED REFERENCE: BOOK 13957 PAGE 43
- PLAN REFERENCES: TOWN OF MILLIS ASSESSOR/GIS MAPS
- ALL UNDERGROUND UTILITY INFORMATION PRESENTED HEREON WAS DETERMINED FROM SURFACE EVIDENCE AND PLANS OF RECORD. ALL UNDERGROUND UTILITIES SHOULD BE LOCATED IN THE FIELD PRIOR TO THE COMMENCEMENT OF ANY SITE WORK. CALL DIGSAFE 1-888-344-7233 A MINIMUM OF 72 HOURS PRIOR TO PLANNED ACTIVITY.
- PROPERTY LINE INFORMATION IS COMPILED FROM TOWN/CITY ASSESSORS PLANS, RECORDED DEEDS, LIMITED FIELD SURVEY, AND PLANS OF REFERENCE AS INDICATED. A FULL BOUNDARY SURVEY WAS NOT PERFORMED.
- THE SITE IS LOCATED IN FLOOD HAZARD ZONE X (AREAS OF MINIMAL FLOOD HAZARD) AS SHOWN ON FLOOD INSURANCE RATE MAP FOR THE TOWN OF MILLIS, COMMUNITY PANEL 25021C 0163E DATED 07/17/2012.
- THE BEARING SYSTEM OF THIS PLAN IS BASED ON GRID NORTH. GRID NORTH WAS ESTABLISHED FROM GPS OBSERVATIONS. IT IS NOT INTENDED TO BE AN EXACT REPRESENTATION OF TRUE NORTH.

LEGEND

- EXISTING ROW/EASEMENT
- PROPERTY LINE
- ABUTTING PROPERTY LINE
- EXIST. EASEMENT
- PROPERTY OFFSET LINE
- EXIST. TREELINE
- EXIST. WETLANDS
- EXIST. STONEWALL
- EXIST. CHAIN LINK FENCE
- EXIST. STOCKADE FENCE
- ZONING BOUNDARY
- TOWN LINE
- EXIST. EDGE OF PAVEMENT
- EXIST. OVERHEAD UTILITIES
- PROP. OVERHEAD UTILITIES
- PROP. UTILITIES
- EXIST. UTILITY POLE
- HYDRANT
- DRILL HOLE
- STONE/CONC. BOUND
- TELCO MANHOLE
- SEWER MANHOLE
- WATER MANHOLE
- DRAINAGE MANHOLE
- CATCH BASIN
- GAS VALVE
- WATER VALVE

SITE CONTROL POINT

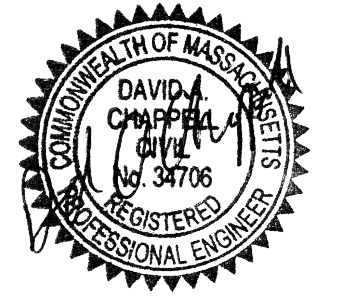
CENTER OF PROPOSED MONOPOLE
NAD 83 LATITUDE: N.42° 09' 04.07"
NAD 83 LONGITUDE: W.71° 21' 08.09"
GROUND ELEVATION: 169.0'±



38 W. MARKET STREET
RHINEBECK, NY 12572
OFFICE: (914) 712-0000
www.wirelessedge.org



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ENGINEER/LAND SURVEYOR DATE

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REVISIONS

REV. #	DATE	DESCRIPTION
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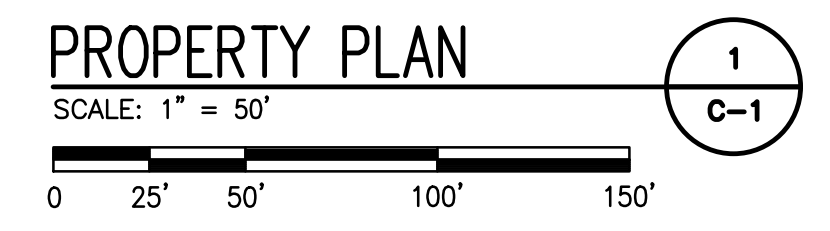
PROJECT NO. 1610.008	DESIGNED BY: JMT DRAWN BY: CMC CHECK'D BY: JMT	SCALE: 1" = 50'
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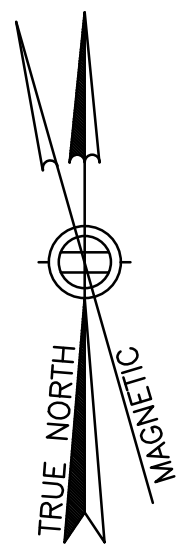
SITE NAME:
**MILLIS
WEC-MA-07**

SITE ADDRESS:
121 NORFOLK ROAD
MILLIS, MA 02054

DRAWING TITLE:
PROPERTY PLAN

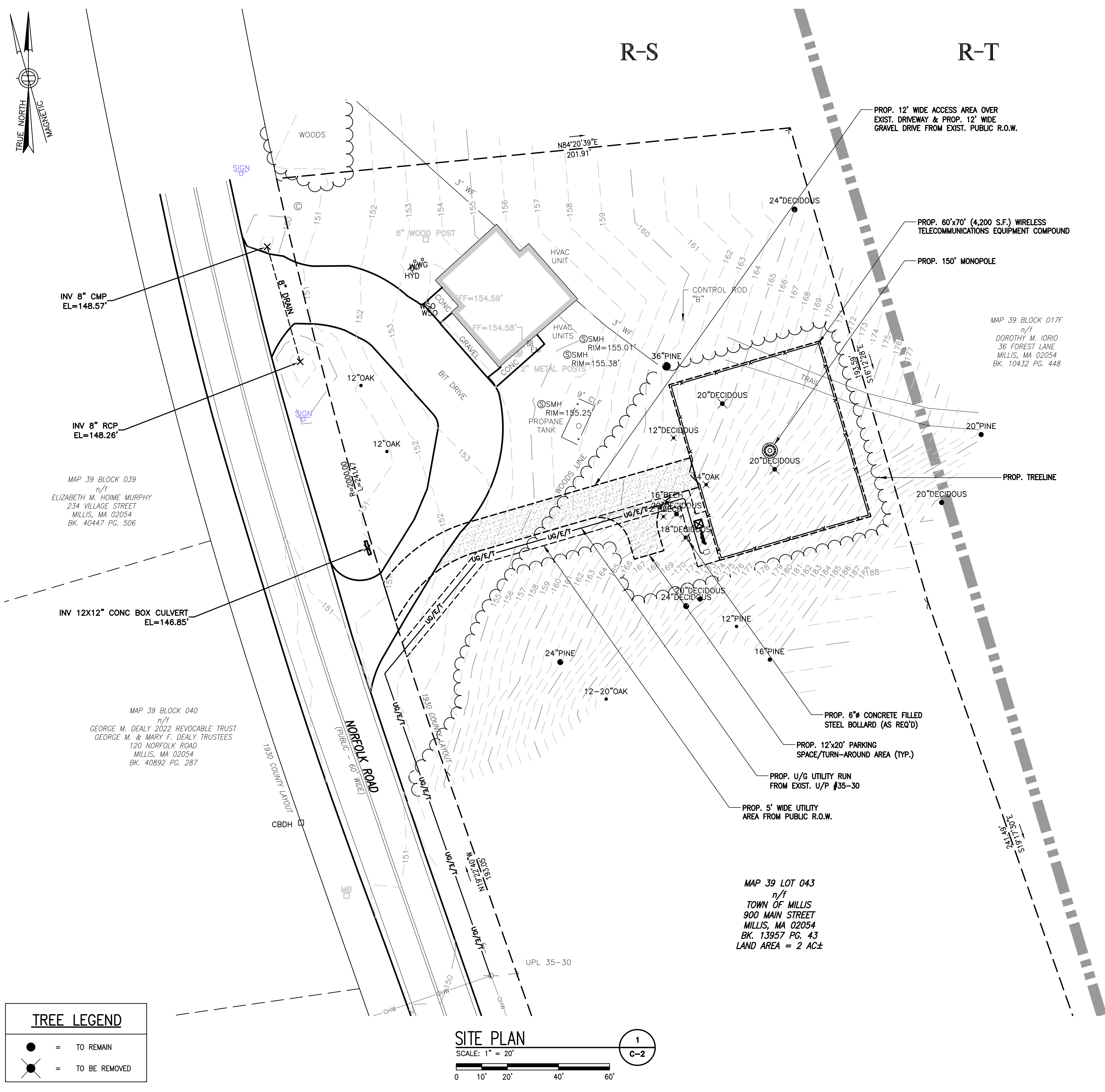
DRAWING NO:
C-1





R-S

R-T



LEGEND

	EXISTING ROW/EASEMENT
	PROPERTY LINE
	ABUTTING PROPERTY LINE
	EXIST. EASEMENT
	PROPERTY OFFSET LINE
	EXIST. TREELINE
	EXIST. WETLANDS
	EXIST. STONE WALL
	EXIST. CHAIN LINK FENCE
	EXIST. STOCKADE FENCE
	ZONING BOUNDARY
	TOWN LINE
	EXIST. EDGE OF PAVEMENT
	EXIST. OVERHEAD UTILITIES
	PROP. OVERHEAD UTILITIES
	PROP. UTILITIES
	EXIST. UTILITY POLE
	HYDRANT
	DRILL HOLE
	STONE/CONC. BOUND
	TELCO MANHOLE
	SEWER MANHOLE
	WATER MANHOLE
	DRAINAGE MANHOLE
	CATCH BASIN
	GAS VALVE
	WATER VALVE

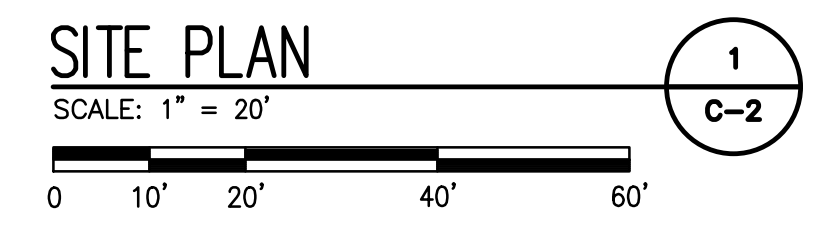
ZONING DISTRICT LEGEND

R-S	RESIDENTIAL SUBURBAN
R-T	RESIDENTIAL TOWN

SITE CONTROL POINT
 CENTER OF PROPOSED MONOPOLE
 NAD 83 LATITUDE: N.42° 09' 04.07"
 NAD 83 LONGITUDE: W.71° 21' 08.09"
 GROUND ELEVATION: 169.0'±

TREE LEGEND

	= TO REMAIN
	= TO BE REMOVED



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ENGINEER/LAND SURVEYOR	DATE
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REVISIONS		
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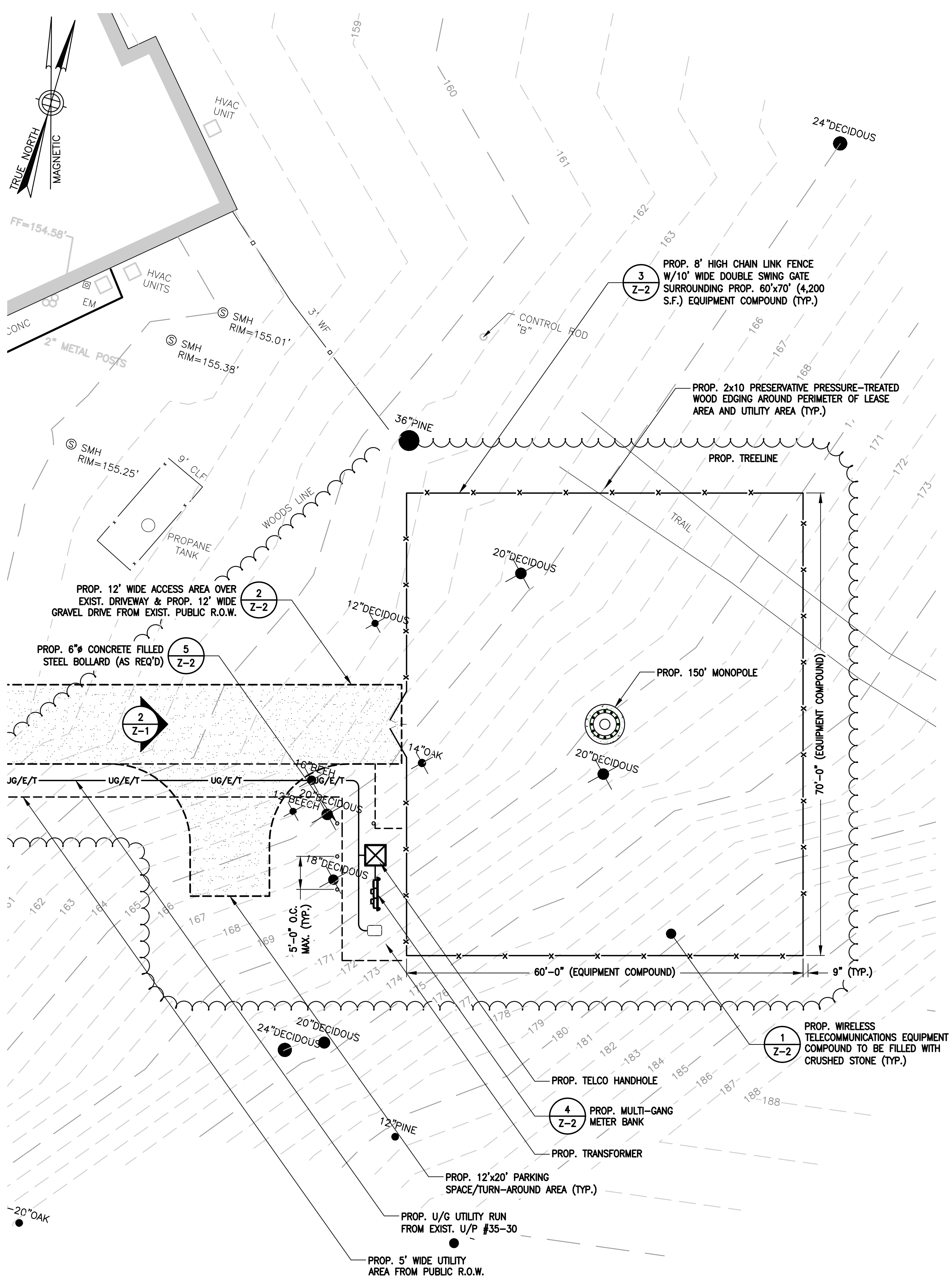
PROJECT NO. 1610.008	DESIGNED BY: JMT DRAWN BY: CMC CHECK'D BY: JMT	SCALE: 1" = 20'
-------------------------	------------------------------------------------------	--------------------

SITE NAME:
MILLIS WEC-MA-07

SITE ADDRESS:
121 NORFOLK ROAD
MILLIS, MA 02054

DRAWING TITLE:
SITE PLAN

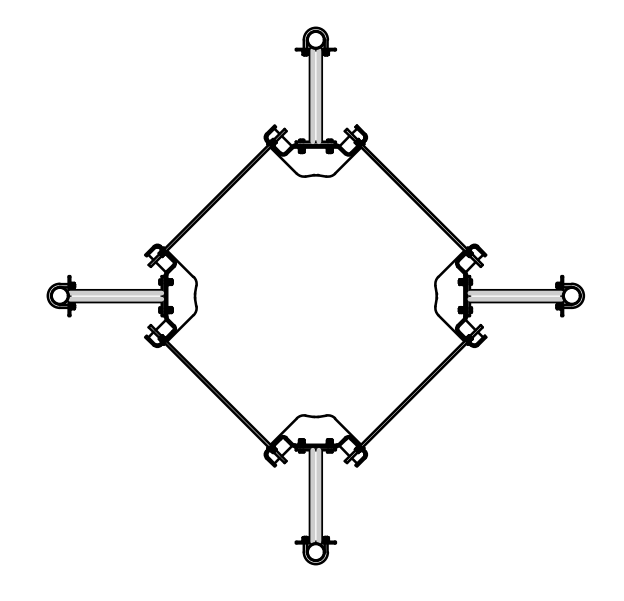
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C-2



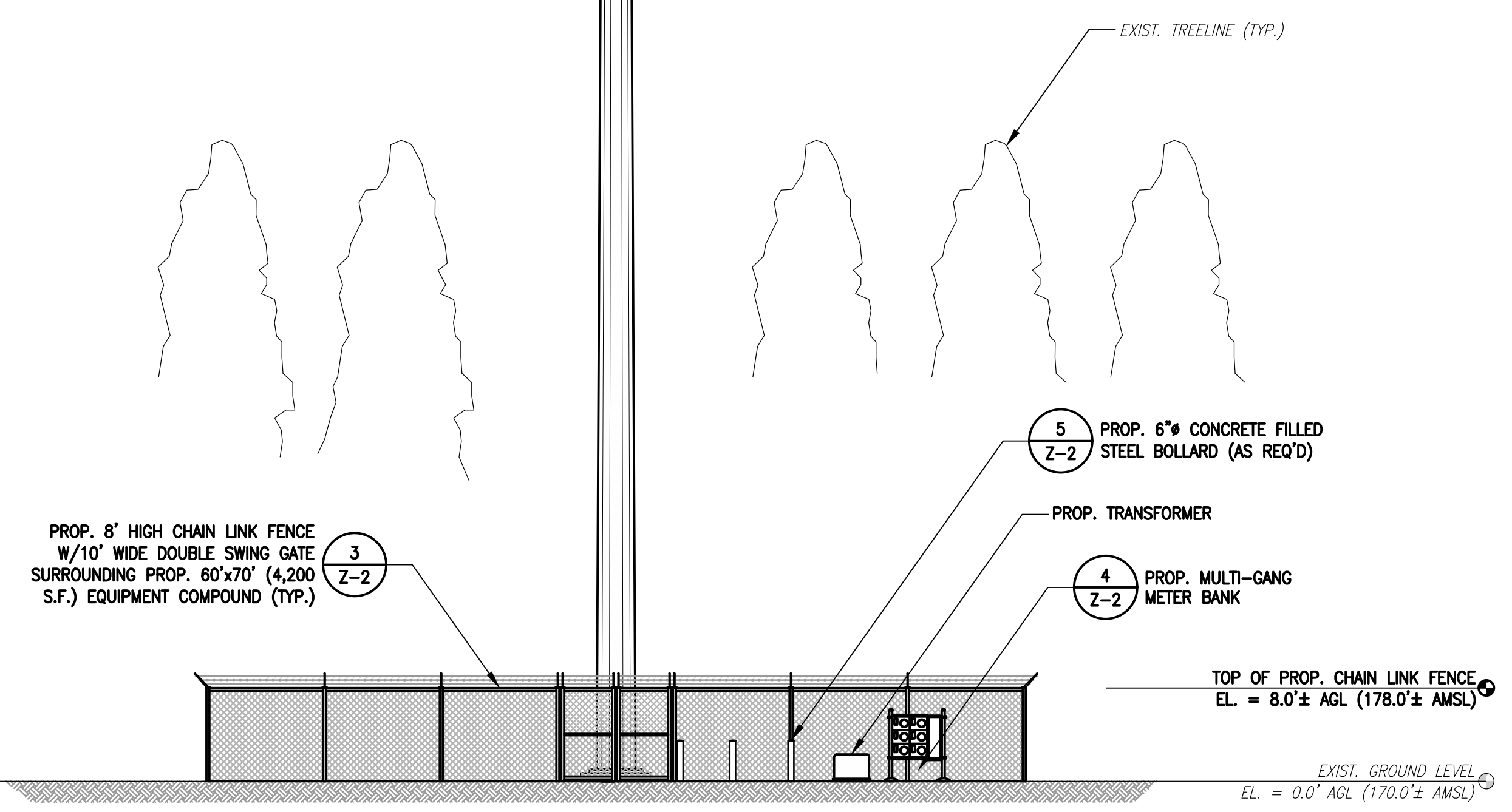
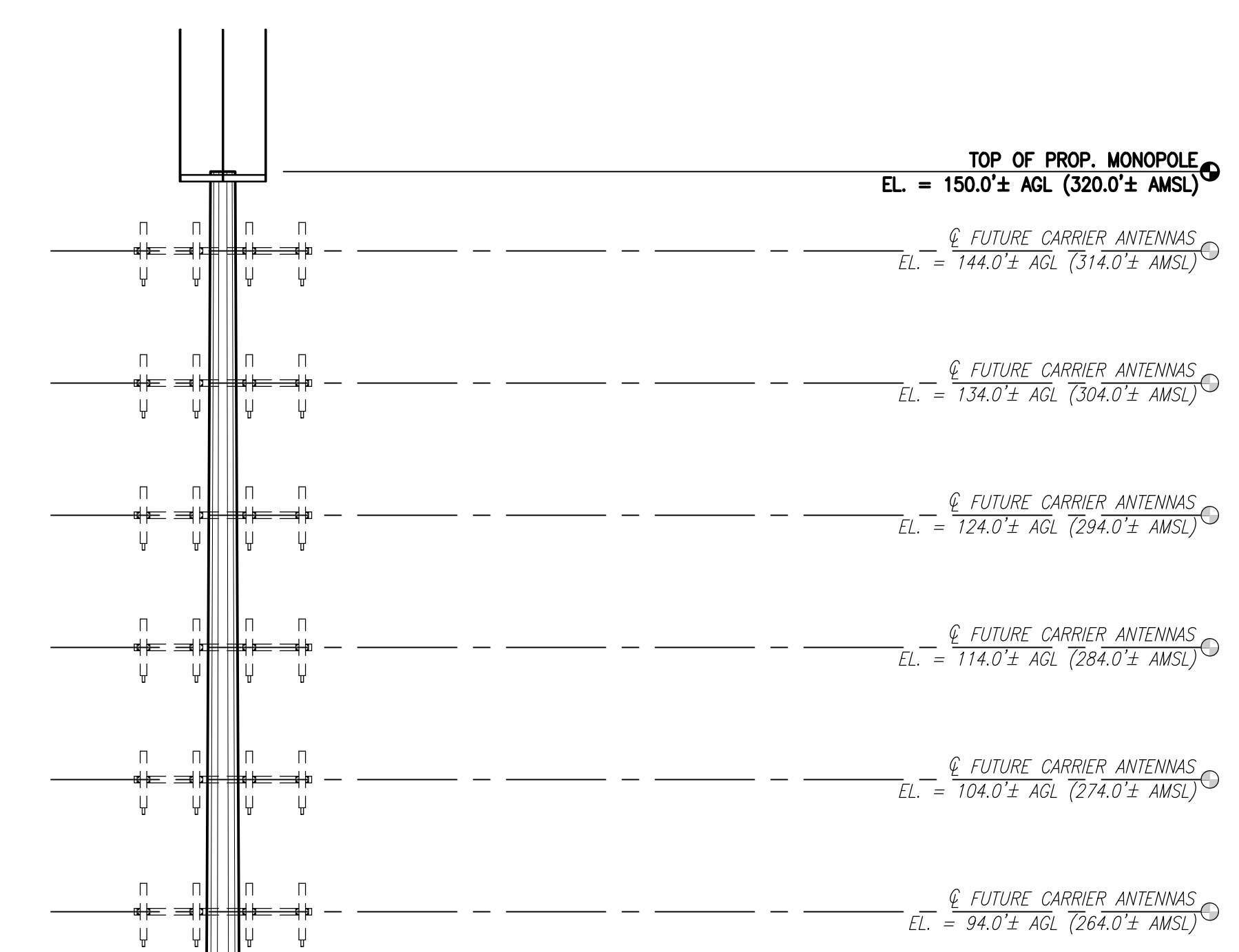
TREE LEGEND

●	= TO REMAIN
⊗	= TO BE REMOVED

COMPOUND PLAN
SCALE: 1" = 10'



TYPICAL MUNICIPAL MOUNT
4-POSITIONS



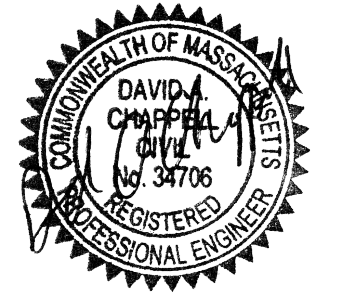
WEST TOWER ELEVATION
SCALE: 1" = 10'



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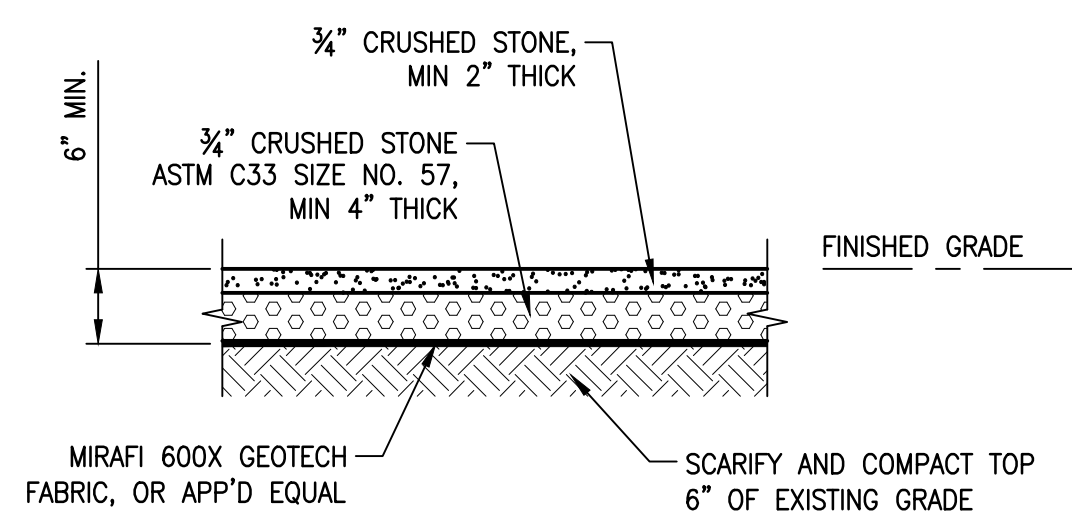
PROJECT NO. 1610.008	DESIGNED BY: JMT DRAWN BY: CMC CHECK'D BY: JMT	SCALE: 1" = 10'
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SITE NAME:
MILLIS WEC-MA-07

SITE ADDRESS:
121 NORFOLK ROAD
MILLIS, MA 02054

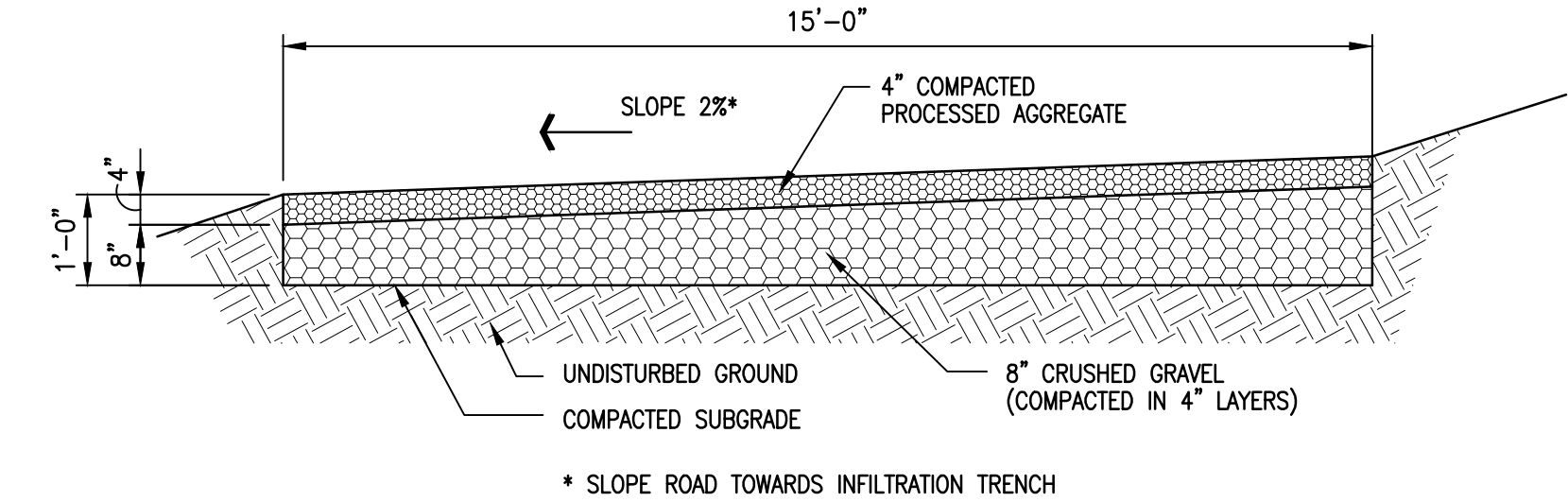
DRAWING TITLE:
COMPOUND PLAN & ELEVATION

DRAWING NO:
Z-1

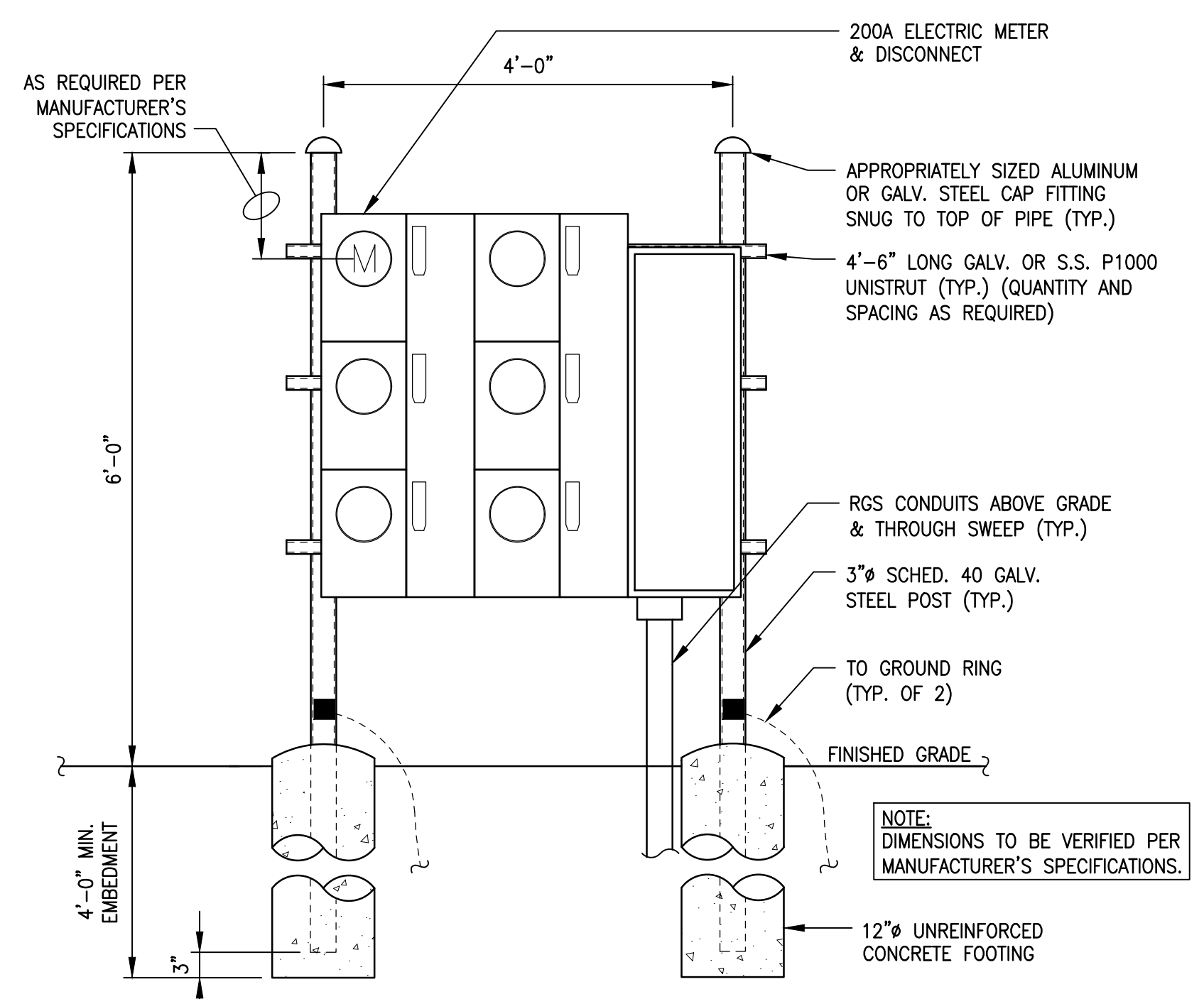


TYPICAL GRAVEL YARD DETAIL 1
 SCALE: 3/4" = 1'-0"
 0 1'-4" 2'-8" 4'-0"

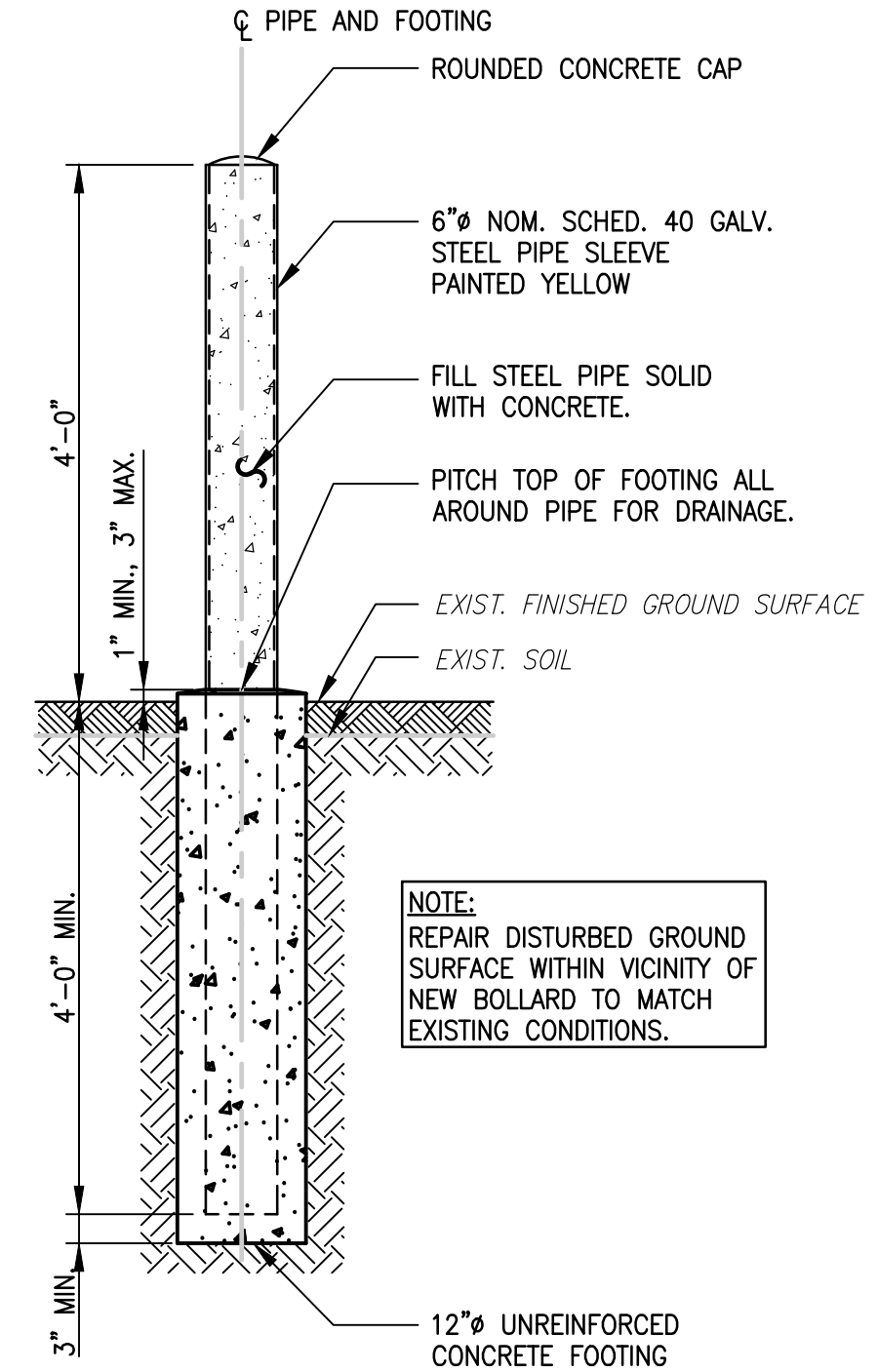
CRUSHED GRAVEL		PROCESSED AGGREGATE	
SIEVE	% PASSING BY WEIGHT	SIEVE	% PASSING BY WEIGHT
5"	100	2 1/4"	100
3 1/2"	90-100	2"	95-100
1 1/2"	55-95	3/4"	50-75
1/4"	25-60	1/4"	25-45
#10	15-45	#40	5-20
#40	5-25	#100	2-12
#100	0-10		
#200	0-5		



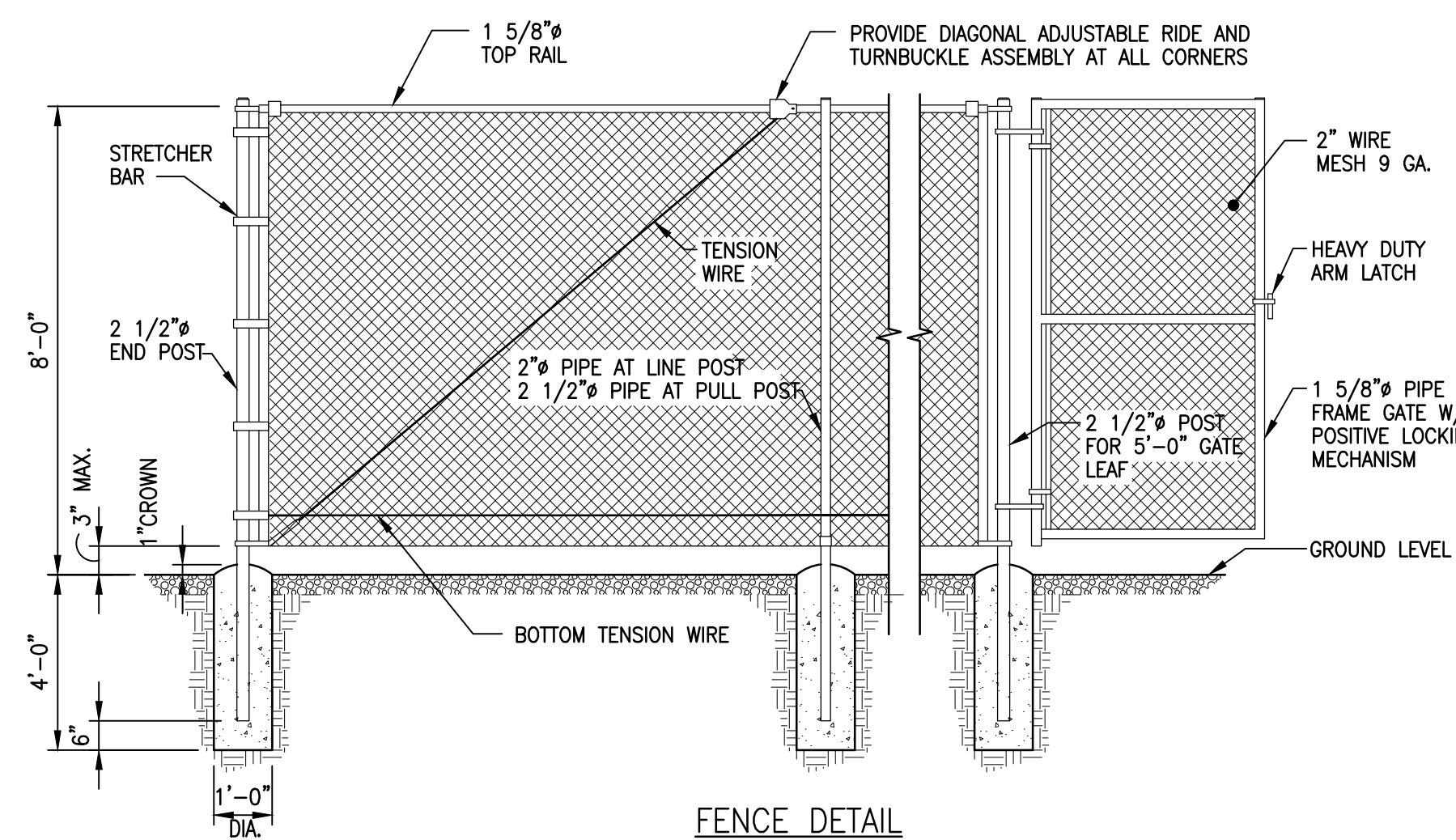
GRAVEL ACCESS DRIVEWAY CROSS SECTION 2
 SCALE: N.T.S.



ELECTRIC METER UNISTRUT RACK 4
 SCALE: 3/4" = 1'-0"
 0 1'-4" 2'-8" 4'-0"

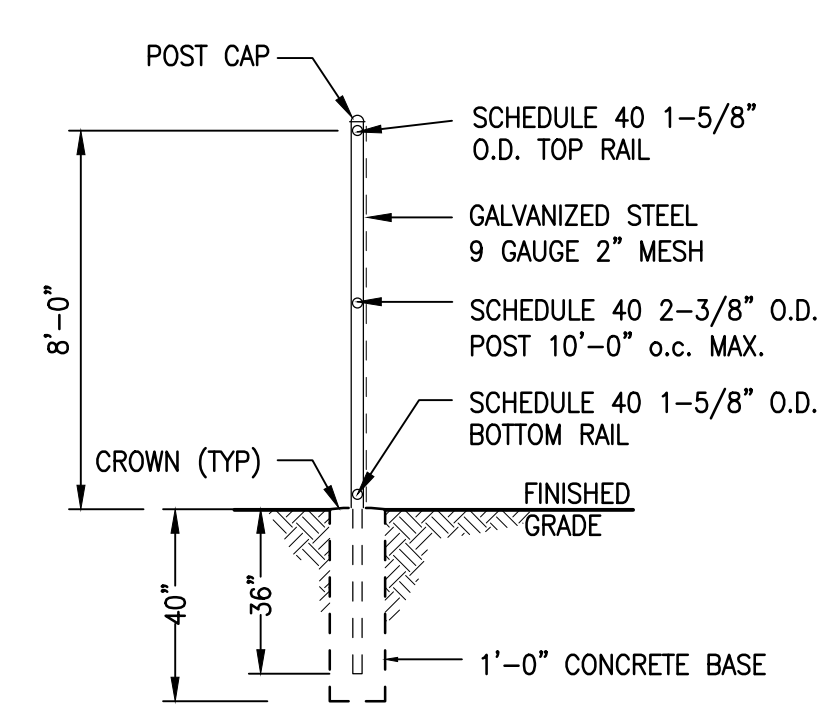


TYPICAL BOLLARD DETAIL 5
 SCALE: N.T.S.

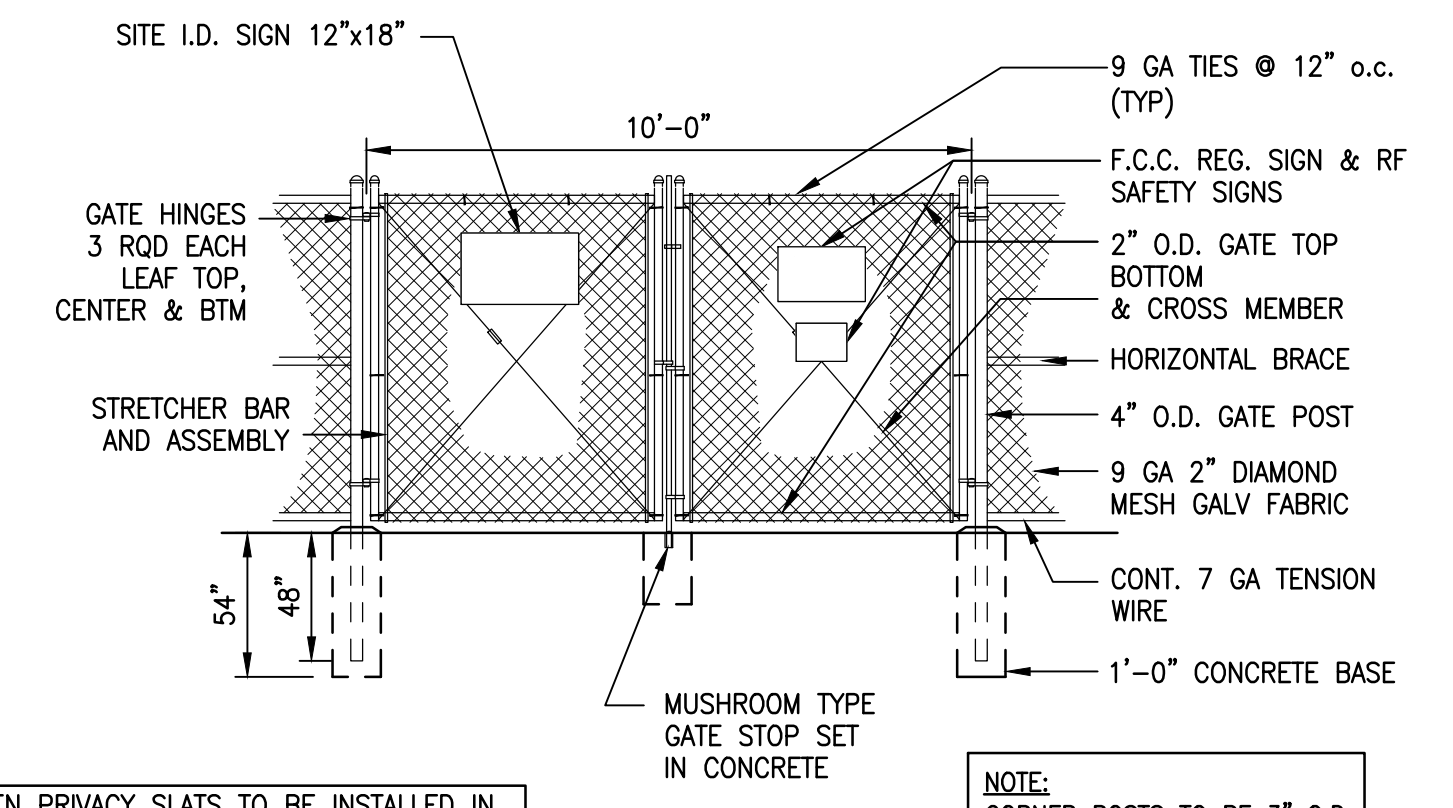


- INSTALL FENCING PER ASTM F-567, SWING GATE PER ASTM F-900.
- ALL END POSTS, LINE POSTS, PULL POSTS, POSTS FOR GATE LEAF, PIPES FOR GATE FRAME AND TOP RAILS SHALL BE SCHEDULE 40 PIPE PER ASTM F-1083.
- FABRIC SHALL BE 12 GA. CORE WIRE SIZE 2" MESH CONFORMING TO ASTM A-392.
- TENSION WIRE SHALL BE 7 GA. GALV. STEEL.
- TIE WIRE SHALL BE 11 GA. GALV. STEEL (MIN.) AT POSTS AND RAILS. A SINGLE WRAP FABRIC TIE AT TENSION WIRE BY HOG RINGS SPACED MAX. OF 24" INTERVALS.
- STEEL FENCE SYSTEM SHALL INCLUDE THE FENCE POSTS, FABRIC, GATE SYSTEM AND ALL NECESSARY ERECTION ACCESSORIES, FITTINGS AND FASTENINGS. ALL FENCE SYSTEM COMPONENTS SHALL BE GALVANIZED IN ACCORDANCE WITH ASTM A153. GATES SHALL BE SWING GATES WITH 5'-0" LEAFS. REFER TO TYPICAL FENCE DETAIL FOR ADDITIONAL INFORMATION. INSTALL FENCE AFTER CONCRETE HAS ATTAINED 75% OF 28 DAY DESIGN STRENGTH.

FENCE DETAIL



FENCE SIDE DETAIL



GREEN PRIVACY SLATS TO BE INSTALLED IN 8' HIGH CHAIN LINK FENCE AND GATES IF REQUESTED BY TOWN (WEST SIDE ONLY)

NOTE: CORNER POSTS TO BE 3" O.D.

DOUBLE GATE DETAIL

TYPICAL FENCE DETAIL 3
 SCALE: 3/8" = 1'-0"
 0 1'-4" 2'-8" 5'-4" 8'-0"

Wireless EDGE
 For Lease Information
 1-914-712-000
 Site: WEC-MA-06
 www.wirelessedge.com
 24 Hour emergency service call 1-888-200-1177

FCC
 12"x18" WEC SITE IDENTIFICATION SIGN

NOTICE
 Radio frequency fields beyond this point may exceed the FCC general public exposure limit.
 Obey all posted signs and site guidelines for working in radio frequency environments.
 (FCC Enforcement and Federal Communications Commission Public Notice, Public Notice 07-015, 1/10/07)

FCC
 12"x18" RF NOTICE SIGN

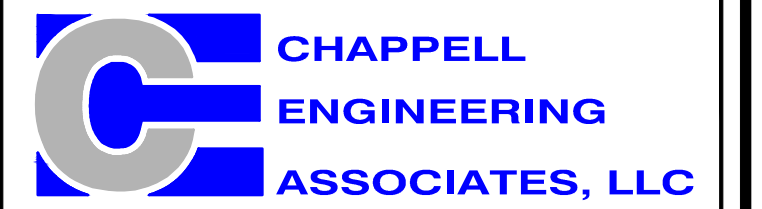
INFORMATION
 Federal Communications Commission
 Tower Registration Number
 Posted in accordance with Federal Communications Commission rules on antenna tower registration 47CFR 17.4(g).

FCC
 8"x12" TOWER REG. SIGN

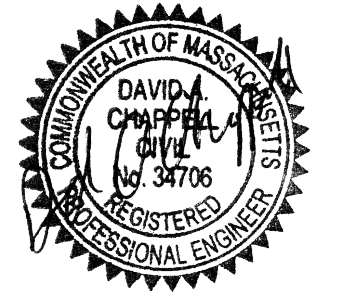
SIGNAGE DETAILS 6
 SCALE: N.T.S.



38 W. MARKET STREET
 RHINEBECK, NY 12572
 OFFICE: (914) 712-0000
 www.wirelessedge.org



R.K. EXECUTIVE CENTRE
 201 BOSTON POST ROAD WEST, SUITE 101
 MARLBOROUGH, MA 01752
 (508) 481-7400
 www.chappellengineering.com



ENGINEER/LAND SURVEYOR DATE

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

REVISIONS		
REV. #	DATE	DESCRIPTION
0	12/15/23	ISSUED FOR ZONING REVIEW

PROJECT NO. 1610.008	DESIGNED BY: JMT DRAWN BY: CMC CHECK'D BY: JMT	SCALE: AS SHOWN
-------------------------	------------------------------------------------------	--------------------

SITE NAME:
MILLIS WEC-MA-07

SITE ADDRESS:
 121 NORFOLK ROAD
 MILLIS, MA 02054

DRAWING TITLE:
SITE DETAILS

DRAWING NO:
Z-2



TOWN OF MILLIS

Richard Nichols, *Chair*
Nicole Riley, *Clerk*
Bodha B. Raut Chhetry
Alan Handel
James McKay
George Yered, *Associate*

OFFICE OF THE PLANNING BOARD

900 Main Street • Millis, MA 02054
Phone: 508-376-7045
<https://www.millisma.gov/planning-board>

Camille Standley
Administrative Assistant
cstandley@millisma.gov

SPECIAL PERMIT APPLICATION FOR/WITH SITE PLAN APPROVAL PERSONAL WIRELESS COMMUNICATIONS FACILITIES

To the Millis Planning Board:

The undersigned hereby petitions the Planning Board for a Special Permit and Site Plan Approval under Section XIII.C and N. of the Town of Millis Zoning By-Law.

Applicant's Name: Wireless EDGE Towers II, LLC

Address c/o Michael R. Dolan, Esq., Brown Rudnick, LLP, One Financial Center

Town Boston State/Zip MA/02111 Phone 617-856-8548 Email: mdolan@brownrudnick.com

Property Location 121 Norfolk Road

Assessors' Map 39 Parcel 43

Zoning District(s) Residential Suburban

Owner's Name Town of Millis

Address 900 Main Street

Town Millis State/Zip MA/02054 Phone (508) 376-7040

Summary of Work to be Done: Construct a 150' above ground level monopole style communications tower (the "Tower") with space for the antennas of The Town of Millis on the top plus at six (6) different lower elevations space for the antennas of wireless telecommunications companies together with their related amplifiers, cables, fiber and other associated antenna equipment, including remote radio heads, surge arrestors, and global positioning system antennas, plus the installation of a 4,200 sq ft compound enclosed by an 8' high chain linked fence for the location of electronic equipment, cabinets and other appurtenances, and the installation of an access drive, parking turnaround, steel bollards, pressure treated wood edging, as well as a transformer, meter bank, and underground conduit and utilities, with all proposed improvements as more particularly shown and described in the plans included with this application.

Signature of Applicant Michael R. Dolan (Sr.) Date 12/13/2023

Signature of Land Owner [Signature] Date 12-20-23
Millis Town Clerk
Received

DEC 15 2023

For TOWN of Millis

[Signature]
Director Town Clerk

DEC 15 2023

Kathleen E. Smith
Deputy Town Clerk

**Checklist for Personal Wireless Application for Site Plan Approval
Submission**

Completed

- _____ 1. Completed Application (signed by Town Clerk)

- _____ 2. Certified Abutters List from the Assessor's Office (within 300')

- _____ 3. Application Fee of \$350.00
*Consultant Review Fee: \$2,500.00
Make checks payable: "Town of Millis"

- _____ 4. 7 copies of the site plan as specified in Section XIII.C of the
Town of Millis Zoning By-Law (1 Full-sized; 6 - 11"x 17";
and an electronic copy)

- _____ 5. Send one copy of all submittal requirements to the Board's
independent engineer (to include 1 full-sized set of plans):
GCG Associates
84 Main Street
Wilmington, MA 01877
Office: (978) 657-9714 Ext. 211
Attn: Michael Carter, PE
www.gcgassociates.net

*Consultant Review Fees: Initial submittal of \$2,500.00 is to accompany application. Please note that once the submittal is received by GCG Associates, the Board's consulting engineers, a Scope & Fee will be prepared. The applicant is responsible for all consultant review fees in excess of the initial deposit of \$2,500.00.

A complete copy of the filing/plans, etc. must be emailed electronically to the Planning Board. The Planning Board public hearing will be scheduled upon receipt of completed application which includes all documentation, plans and fees.

December 13, 2023

Town of Millis
Planning Board
c/o Camille Standley,
Administrative Assistant
900 Main Street
Millis, MA 02054

RE: Supplement to Special Permit and Site Plan Approval Application for a Personal Wireless Communications Facility (the "Application")

Applicant: Wireless EDGE Towers II, LLC ("Wireless Edge" or the "Applicant")
c/o Michael R. Dolan, Brown Rudnick LLP, One Financial Center,
Boston, MA 02111

Site: 121 Norfolk Road, Millis, MA (Assessor's Parcel Map 39 Lot 43) (the "Site")

Owner: Town of Millis

Facility: Construct a 150' above ground level monopole style communications tower (the "Tower") with space for the antennas of The Town of Millis on the top plus at six (6) different lower elevations space for the antennas of multiple wireless telecommunications companies together with their related amplifiers, cables, fiber and other associated antenna equipment, including remote radio heads, surge arrestors, and global positioning system antennas, plus the installation of a 4,200 sq ft compound enclosed by an 8' high chain linked fence for the location of electronic equipment, cabinets and other appurtenances, and the installation of an access drive, parking turnaround, steel bollards, pressure treated wood edging, as well as a transformer, meter bank, and underground conduit and utilities; all proposed improvements as more particularly shown and described in the plans included with the Application (the foregoing collectively hereinafter referred to as the "Facility")

Relief Requested: Special Permit and Site Plan Approval pursuant to Section XIII C. and N. and Section XII Q. of the Town of Millis Zoning By-law (hereinafter, the "By-law"), Massachusetts General Laws chapter 40A, and the federal Telecommunications Act of 1996 (the "TCA") for the construction, operation, and maintenance of a Personal Wireless Communications Facility, and such other relief as deemed necessary, all rights reserved.



Dear Honorable Members of the Millis Planning Board (the "Board"):

We represent Wireless Edge in connection with the Application before the Board. The Site is owned by the Town of Millis (the "Owner"). Wireless Edge respectfully requests the Board's approval to construct the above-referenced Facility pursuant to the By-law. The Facility is shown on the plans attached hereto and incorporated herein by reference (the "Plans"). Additionally, Wireless Edge has agreed to allow the Town of Millis to install communications antennas and equipment on and adjacent to the Tower, free of charge.

BACKGROUND

Wireless Edge owns and manages wireless communication infrastructure in the United States. Wireless Edge leases space to FCC licensed wireless communications services providers (each a "Carrier" and together the "Carriers") and other users of wireless technology. Wireless Edge strives to be a good neighbor to the communities within which it has communication sites.

Wireless Edge has entered into a lease agreement with the Town of Millis pursuant to a request for proposals. Carriers will lease space on the Tower and within the fenced compound from Wireless Edge and will be subtenants at the Site.

The Applicant submits that the Site is well suited for a wireless communications facility and that the Site satisfies the intent and purposes of the By-law and the TCA, to the extent possible. As will be demonstrated through the Application materials and the written and oral evidence at the public hearing(s) in connection with the Application, the proposed Facility meets all applicable requirements of the By-law to the extent possible. The Facility will not significantly impact adjacent properties and neighborhoods as the Facility will in part be screened from view by sight lines blocked by existing tree cover and many of the surrounding properties are undeveloped. The location of the Facility will protect, to the extent practicable, the aesthetic qualities of the Town of Millis by utilizing a parcel of land that is especially suited to the proposed use due to the existing municipal use of the Site. The installation of the Facility will not be a threat to public health, safety and welfare. In fact, Applicant submits that the Facility will aid in public safety by providing much needed improved wireless communications services to the residents, businesses, commuters, and emergency personnel utilizing wireless communications in the immediate vicinity and along the nearby roads. Likewise, improved public safety communications will be available from the Tower. These services further the public interest of health and safety as they will aid with wireless 911 services to the community and communication services for the public. According to the FCC, more than 240 million 911 calls, or nearly two-thirds of all calls received by the 911 centers nationwide, are made annually from mobile handheld devices in the United States. Today, wireless infrastructure is required to assist with public safety needs.

The Facility will not generate objectionable noise, odor, fumes, glare, smoke, or dust. The Facility will have no negative impact on property values in the area. No significant increase in traffic or hindrance to pedestrian movements will result from the Facility. On average, only one or two round trip visits per month per Carrier are required to service and maintain the Facility. The only utilities required to operate this Facility are standard electrical power as well as communication service. The Facility will comply with all applicable local, state and federal



safety codes. This Facility does not require police or fire protection because the installation has its own monitoring equipment that can detect malfunction and/or tampering.

RELIEF REQUESTED

Wireless Edge respectfully requests that the Board grant a Special Permit and Site Plan Approval pursuant to Section XIII C. and N. and Section XII Q. of the By-law, Chapter 40A of the Massachusetts General Laws, and the TCA, for the construction, operation, and maintenance of a Personal Wireless Communications Facility, and such other relief as deemed necessary, all rights reserved. As will be further demonstrated by the Applicant by evidence submitted to the Board at the public hearing(s) in connection herewith, such relief is appropriate as the facility satisfies all pertinent provisions and standards contained in the By-law for the requested relief.

Without the requested approvals, FCC licensed wireless communications carriers would be unable to fill their existing significant gaps in coverage in this area of Millis, thereby creating a hardship recognized by the state and federal courts interpreting the TCA. The Site is located within the limited geographic area where radio frequency experts have determined that a wireless telecommunications facility is required. The Town of Millis issued a request for proposals seeking to lease the Site for a wireless telecommunications facility to help improve wireless communication coverage in this area of Millis.

COMPLIANCE WITH SECTION XII Q. (SPECIAL PERMITS) OF THE BY-LAW

1. **Before granting an application for a special permit, the Special Permit Granting Authority, with due regard to the nature and condition of all adjacent structures and uses, and the district within which the same is located, shall find all of the following general conditions to be fulfilled.**
 - a. **Special permits shall only be issued following public hearings held within 65 days after filing of an application with the Special Permit Granting Authority, a copy of which shall be given forthwith to the Town Clerk by the applicant.**

AT&T's application will be subject to a public hearing.

- b. **The use requested is listed in the Table 1 Use Regulations as a special permit in the district for which application is made or is so designated elsewhere in this By-Law.**

Pursuant to the Table 1 Use Regulations, the Applicant's proposed use of the Site is designated in Accessory Uses # 18 "Personal Wireless Communications Facilities" and is permitted pursuant to the issuance of a Special Permit by the Planning Board.



c. The requested use is essential or desirable to the public convenience or welfare.

Applicant submits that the Facility will aid in public safety by helping to provide and improve wireless communication services to the residents, businesses, commuters, and emergency personnel utilizing wireless communications in the immediate vicinity and along the nearby roads. These services further the public interest of health and safety as it enables wireless 911 services to be better available to the community and communication services for the public. According to the FCC, more than 240 million 911 calls, or nearly two-thirds of all calls received by the 911 centers nationwide, are made annually from mobile handheld devices in the United States. See FCC Press Release entitled, "FCC takes Action to Improve Wireless 9-1-1 Services", dated September 23, 2010. Today, wireless infrastructure is required to assist with public safety needs. The Applicant submits that the proposed Facility will improve regular and emergency communications for police and fire personnel by reducing the number and frequency of dropped and incomplete calls due to weak signals and adding an additional layer of communication to traditional land lines. Additionally, published reports have highlighted the fact that during and after adverse major weather events, including ice storms, wireless telecommunications has been the only form of reliable communication. Lastly, the installation of the Facility at the Site will assist the Town of Millis in complying with its obligations under the TCA. Consistent with the By-law, the Facility will allow wireless communications providers to function within a local, regional, and national communications system.

d. The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

The Facility will not generate significant amounts of traffic. Trips to the Facility will average one or two per month per carrier by maintenance personnel who will park in the front proposed parking/turnaround shown on the plans. The Facility is not open to the public and thus pedestrian safety concerns are minimized.

e. The requested use will not overload any public water, drainage, or sewer system or any other municipal service to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will be unduly subjected to hazards affecting health, safety, or the general welfare.



The Facility will be unmanned and will not require water or sewer facilities. The Facility will use standard electric and telephone services which will be brought to the Facility via underground conduit from an existing utility pole already on Site. The Facility will not add significant amounts of impervious surfaces to the Site as the drive and compound will be lined with crushed stone or gravel and there will be no changes to existing drainage systems as a result of the proposed Facility. The Facility will be constructed in accordance with all applicable local, state and federal rules, laws and regulations.

- f. Any special regulations, for the use set forth in Section XI, are fulfilled.**

The property is not located in a Special Flood Hazard District.

- g. The requested use will not impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals, or welfare.**

The proposed Facility will be located upon a 2 acre parcel of land which is partially screened by existing tree and vegetative growth and is surrounded by many undeveloped parcels such that potential visual impacts are minimized and the aesthetic qualities of the Town of Millis are preserved. The Site is a municipally owned property upon which the location of a personal wireless communications facility could be expected. The proposed Facility will be a passive use and will not cause any nuisance such as unreasonable noise, vibration, smoke, odors, waste, glare or significant traffic and will not adversely impact upon natural or historic resources. The Facility will be constructed in conformance with all applicable state and local building standards.

- h. A special permit granted under this By-Law shall lapse within one year, and including such time required to pursue or await the determination of an appeal, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.**

The Applicant acknowledges this requirement and no response is required.



COMPLIANCE WITH SITE PLAN APPROVAL REQUIREMENTS IN SECTION XII C. FOR A SPECIAL PERMIT

5. In considering a special permit application under this section, the Planning Board shall evaluate the technical quality of the site plan to assure the advisability of approval after considering the following matters:

(a) Protection of adjoining premises against detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light and air;

The Facility will not add significant amounts of impervious surfaces to the Site as the drive and compound will be lined with crushed stone or gravel and there will be no changes to existing drainage systems as a result of the proposed Facility. The proposed Facility will be located upon a 2 acre parcel of land which is partially screened by existing vegetative growth and is surrounded by many undeveloped parcels such that potential visual impacts are minimized and the aesthetic qualities of the Town of Millis are preserved. The Site is a municipally owned property upon which the location of a personal wireless communications facility could be expected. The Facility will be designed to support multiple wireless communications facilities upon a single structure and thus minimize the overall number of towers needed within the area. The proposed Facility will be a passive use and will not cause any nuisance such as unreasonable noise, vibration, smoke, odors, waste, glare or significant traffic and will not adversely impact upon natural or historic resources.

(b) Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly;

The Facility will not generate significant amounts of traffic. Trips to the Facility will average one or two per month per Carrier by maintenance personnel who will park in the front proposed parking/turnaround shown on the plans. The Facility will not be accessible to the public but will of course comply with all applicable federal, state and local regulations regarding the handicapped, minors and the elderly to the extent applicable.



(c) Protection and enhancement of existing site features;

The Facility was located on the Site so as to protect and enhance site features to the maximum extent practicable. During construction, the Applicant will use good faith efforts to minimize the amount trees removed at the Site.

(d) Adequacy of the arrangement for parking and loading spaces in relation to the proposed uses of the premises;

The Facility will not generate significant amounts of traffic. Trips to the Facility will average one or two per month per carrier by maintenance personnel who will park in the front proposed parking/turnaround shown on the plans.

(e) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;

The Facility will not generate any waste and there will be no need for the disposal of refuse or other wastes.

(f) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this By-Law.

The proposed Facility will be located upon a 2 acre parcel of land which is partially screened by existing vegetative growth and is surrounded by many undeveloped parcels such that potential visual impacts are minimized and the aesthetic qualities of the Town of Millis are preserved. The Site is a municipally owned property upon which the location of a personal wireless communications facility could be expected.

(g) Protection of environmental features, particularly groundwater resources, on the site and in adjacent areas, adequate protection to prevent pollution of surface and groundwater, soil erosion, increased runoff, changes in groundwater recharge or elevation and flooding.

The Facility will not add significant amounts of impervious surfaces to Site as the drive and compound will be lined with crushed stone and there will be no changes to existing drainage systems as a result of the



proposed Facility. The Facility has been designed to minimize the impact on environmental features to the maximum extent practicable.

TOWER REMOVAL

The Applicant has a Lease with the Town for the use of the Site and upon the termination of the Lease, the Town may require the Applicant to remove the Tower and all other installations. Pursuant to the Lease, commencing upon the commencement of the construction of the Tower, the Applicant will provide the Town with a Tower Removal Bond for the faithful removal of the Tower upon the termination of the Lease in the amount of \$50,000. The surety on such Bond will be a duly authorized surety company licensed to do business in the Commonwealth of Massachusetts.

THE TELECOMMUNICATIONS ACT OF 1996 - THE TCA

Without the relief requested, the Applicant and the Carriers would be unable to provide adequate coverage by filling existing significant gaps in coverage, thereby creating a hardship recognized by federal and state courts interpreting the TCA. The Site is located within the limited geographic area whereby the Carriers radio frequency engineers have determined that a wireless facility is required. Federal courts interpreting the TCA have held that where an applicant for the installation of wireless communications facilities to provide communications services seeks zoning relief as required by the municipal zoning ordinance, federal law imposes substantial restrictions affecting the standard for granting the requested relief. The TCA provides that: no laws or actions by any local government or planning or zoning board may prohibit, or have the effect of prohibiting, the placement, construction, or modification of communications towers, antennas, or other wireless facilities in any particular geographic area, see 47 U.S.C. §332(c)(7)(B)(i); local government or planning or zoning boards may not unreasonably discriminate among providers of functionally equivalent services, see 47 U.S.C. §332(c)(7)(B)(i); health concerns may not be considered so long as the emissions comply with the applicable standards of the FCC, see 47 U.S.C. §332(c)(7)(B)(iv); and, decisions must be rendered within a reasonable period of time, see 47 U.S.C. §332(c)(7)(B)(ii) and the FCC's Declaratory Ruling commonly referred to as the "shot clock".

In Omnipoint Holdings, Inc. v. City of Cranston, 586 F.3d 38 (1st Cir. 2009), the First Circuit Court of Appeals held that an effective prohibition occurs if a carrier demonstrates a significant gap in coverage and has investigated other viable alternatives. The factors the Court considered in judging the feasibility an alternative solution include whether the alternative solution is: technically efficient or at least technically adequate; economically feasible; and preferred by local authorities. Likewise, the court considers the level of willingness to cooperate. In Nextel Communications of the Mid-Atlantic v. Wayland, 231 F.Supp.2d 396 (D. Mass. 2002) and Omnipoint Communications MB Operations, LLC v. Town of Lincoln, 107 F. Supp. 2d 108 (D. Mass. 2000), the courts held that a municipality must approve a wireless facility if denying the petition would result in a "significant gap" in wireless services within a municipality because such denial would amount to an effective prohibition of wireless services. See 47 U.S.C. §332 (c) (7) (B) (i) (II). The court recognized that "an effective prohibition can



exist even where a town allows for the erection of [wireless communications facilities] but subject to criteria which would result in incomplete wireless services within the town, i.e., significant gaps in coverage within the town.” Town of Lincoln, 107 F. Supp. 2d at 117. Therefore, if an applicant establishes that the proposed facility would fill a significant gap in its wireless service coverage and is the least intrusive, feasible and only means reasonably available to accomplish that end, then the municipality must approve the requested zoning relief.

Of significance to the Board, courts have ordered the municipality to issue the necessary permits to allow the construction of the tower as described in the petition for zoning relief, foregoing an opportunity for the municipality to impose reasonable conditions on the wireless communications installation. Further, the Wayland court held that the need for closing a significant gap in coverage, to avoid an effective prohibition of wireless services, constitutes another unique circumstance when a zoning variance is required. We note that in the case of Sprint Spectrum L.P. v. Town of Swansea, Civil Action No. 07-12110-PBS, June 26, 2008, the federal District Court for Massachusetts held that notwithstanding the town zoning bylaw or Massachusetts state law, towns have the authority and obligation to grant use variances to avoid violating the TCA. In a growing number of cases, the federal courts have found that variance denials violate the TCA, even if such denials would be valid under state law. For example, in Omnipoint Communications v. Town of Lincoln 107 F. Supp. 2d 108 (D. Mass. 2000), the court found that denial of a variance for a location outside of the town’s wireless overlay district violated the TCA and ordered the variance to issue despite a by-law provision prohibiting use variances. Additionally, in Nextel Communications of the Mid-Atlantic, Inc. v. Town of Wayland, 231 F. Supp. 2d 396 (D. Mass. 2002), the court reached the same result. In that case, the court stated: “Although the Board’s statement [regarding its lack of authority to issue a use variance] may be a correct statement in Massachusetts regarding variances, it is not controlling in the special case of wireless communications facilities...under the Telecommunication Act, the Board cannot deny the variance if in so doing it would have the effect of prohibiting wireless services.”

CONCLUSION

As evidenced by the materials submitted with this Application and as will be further demonstrated by the Applicant through evidence submitted to the Board at the public hearing(s) in connection herewith, in light of the TCA the Facility satisfies the intent and objectives of the By-law. The Tower is designed and sited to maximize collocation while minimizing, to the extent possible, adverse impacts to the surrounding neighborhood and the Town of Millis as a whole. The Facility will not have any adverse effect on property values in the area. The Facility will not be dangerous to the public health or safety as it is designed to comply with all applicable requirements of the Massachusetts building code. The Facility is a passive use, and will not cause any nuisance such as unreasonable noise, vibration, smoke, odor or dust. Further, the Facility will improve communication coverage to residents, commercial establishments and visitors to and through the area and improves call connections in this area of the Town of Millis. This Facility will greatly improve emergency communications for public safety personnel by reducing the number and frequency of dropped and incomplete calls due to weak signals and adding an additional layer of communication to traditional land lines. The Facility will provide a rental revenue stream to the Town and assist with critical municipal communications antenna



infrastructure at no cost to the residents to the Town of Millis. Lastly, the installation of the Facility at the Property will assist the Town of Millis in complying with its obligations under the TCA.

Wireless Edge respectfully requests that the Board grant a Special Permit and Site Plan Approval to install, operate and maintain the Facility. We respectfully submit that the standards for a Special Permit and Site Plan Approval as set forth in the By-law as well as Massachusetts law must be interpreted and applied such that the decision issued by the Board is in conformance with the TCA. Accordingly, a denial of the foregoing petition would effectively prohibit Carriers from providing adequate service to the Town of Millis and thus would be contrary to the purpose and intent of the TCA and the By-law.

Respectfully submitted,

BROWN RUDNICK LLP

By: Michael R. Dolan (SMA)
Michael R. Dolan